7-1

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
February 9, 2006	James Caruso/Project Manager (805) 781-5702	Chevron	D030315D

SUBJECT

Request by Chevron Pipeline Co. for a Coastal Development Permit/Development Plan (CDP/DP) to allow for the removal of approximately 23,500 cubic yards of soil, 8,100 cubic yards of which are affected by petroleum hydrocarbons. The excavations to remove petroleum affected soils would take place in three areas and would include site preparation, sheetpile wall installation, overburden excavation, source removal, separate phase petroleum removal, treatment, sampling, backfilling excavations and site restoration. The project will result in the disturbance of approximately 9 acres of a 25 acre site. The proposed project is within the Agriculture land use category and is located on the east side of Highway 1, just south of Toro Creek Rd at the former Chevron Marine Terminal north of and adjacent to the City of Morro Bay. The site is in the Estero planning area.

RECOMMENDED ACTION

1. Certify that the Final EIR was prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Approve Development Plan D030315D based on the findings listed in Exhibits A and C and the conditions listed in Exhibit B.
3. Approve the Mitigation Monitoring Plan (Exhibit D).

ENVIRONMENTAL DETERMINATION

The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: air quality, biological resources, cultural resources, geologic resources, hazards and hazardous materials, noise, public services, traffic and circulation, water resources and land use. Mitigation measures are proposed to address these impacts and are included as conditions of approval.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Agriculture	LCP; EX; SRA, FH	073-075-004 - 010	2

PLANNING AREA STANDARDS:
None

LAND USE ORDINANCE STANDARDS:
23.07.040 - EX Combining Designation; 23.07.170 – Environmentally Sensitive Habitats

EXISTING USES:
Decommissioned Marine Terminal

SURROUNDING LAND USE CATEGORIES AND USES:
North: Agriculture/grazing East: Agriculture/grazing
South: Agriculture/grazing West: Recreation/beach

7-2

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizens Advisory Council, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, APCD, Department of Fish and Game, Cal Trans, California Coastal Commission, Regional Water Quality Control Board	
TOPOGRAPHY: Relatively flat	VEGETATION: Riparian vegetation; grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF/County Fire Dept	ACCEPTANCE DATE: July 8, 2003

PROJECT DESCRIPTION

Background

Chevron's Estero Marine Terminal is located east of Highway 1 and the Pacific Ocean between Cayucos and Morro Bay. It is situated in a rural area with residential development within a mile to the north and south.

The Estero Marine Terminal was constructed in 1929. The terminal received crude oil from the Rio Bravo to Shandon pipeline. The inactive Rio Bravo to Estero system presently includes four idle pipelines and six abandoned pumping stations along the route. Two of the pump station sites are located within San Luis Obispo County at Atascadero and Shandon and the rest are in Kern County. The Estero Marine Terminal also originally received crude oil from Chevron's Kern County Oil Fields, as well as light crude oil and gasoline from the Kettleman Hills oil fields. In the 1950's, Mobil constructed a pipeline system from their crude oil production facilities in San Ardo oil field in Monterey County to Chevron's Estero Marine Terminal. Chevron handled the crude oil through a Terminaling Agreement with Mobil.

Crude oil transported through the inland pipelines was routed to the Hill Plant tanks for storage until it was loaded onto tanker ships. Tanker ships would moor alongside of the original loading pier at one of the two offshore berths. The crude oil was then shipped to Chevron's refineries located in El Segundo and Richmond, California.

Other fluids were also off-loaded at the terminal. Cutter-stock was off-loaded from tanker ships and handled for Mobil. The cutter-stock was temporarily stored in the terminal tankage and then pumped to Mobil's Adeladia pump station and on to San Ardo. Crude oil was also brought into the facility from independent lease-holders and off-loaded at the truck-loading rack. Additionally, ballast water was off-loaded from the tankers and piped to Tank 901. Oil was separated from the ballast water and recovered into the facility crude oil tankage. The remaining water was sent to ballast ponds where it was aerated and sampled prior to disposal offshore via pipeline.

In 1999, the terminal was idled by the former Chevron Pipe Line Company following the completion of the Pacific Pipeline, which now connects the oils fields of Kern County to Los Angeles Basin refineries.

7-3

With the decommissioning of the Estero Marine Terminal facilities, the majority of the tankage and pipelines within the Shore Plant and Hill Plant area have been removed through previous demolition projects.

From 1994 to 1999, Chevron has conducted site assessment, monitoring and remediation activities at the Shore Plant, including soil borings, well points, and permanent ground water monitoring wells. Two areas of soil and ground water contamination with petroleum-hydrocarbon have been identified at the Shore Plant.

Chevron has submitted three Feasibility Study / Remedial Action Plans (FSRAP) to the Regional Water Quality Control Board (RWQCB). The FSRAP identified high vacuum extraction as the preferred remediation technique for the separate-phase petroleum contamination, and natural attenuation for the remediation of soil and dissolved-phase ground water contamination at the project site. The RWQCB rejected the FSRAP and adopted a Cleanup or Abatement Order requiring clean-up of the Shore Plant area. Chevron appealed this to the State of California Water Resources Control Board (SWRCB).

In 1999, during the cleaning of the offshore load lines, a leak of light-cycle oil occurred along an aboveground portion of a pipeline within the Shore Plant area. The release resulted in a third area of soil and ground water contamination, including separate-phase petroleum hydrocarbons identified in ground water, which were found to contain volatile aromatic hydrocarbon compounds (such as benzene) and methyl tertiary butyl ether (MTBE). Chevron conducted remedial action utilizing dual-phase vacuum extraction at the release area.

In February 2002, the SWRCB reached a conclusion in response to Chevron's appeal. The SWRCB ordered removal of separate phase hydrocarbons in groundwater. The proposed project has now been agreed upon by the RWQCB.

Site Characteristics

The 25-acre Shore Plant is located on relatively flat topography that transitions to the hills and ridges on which the Hill Plant is located. Toro Creek and its tributaries flow westerly through the central portion of the greater chevron property and along the northern boundary of the Shore Plant. The Toro Creek riparian corridor is vegetated with a variety of tree, shrub and herbaceous species. Adjacent valley-bottom areas are cultivated for grains and dry beans, and some of these areas are irrigated using nearby ground water. Most of the terminal area is vegetated with annual grasses and is used for cattle grazing. Scattered tree clusters also occupy the slopes.

The Shore Plant area is located within an unincorporated section of SLO County and the land use is designated Agriculture under the County's Estero Area Plan. Toro Creek and 100 feet on either side of the creek are designated as Environmentally Sensitive Habitat. The Shore Plant area is also located within the Coastal Zone.

Project Characteristics

Summary:

The proposed project is a source removal action that is required by the RWQCB as part of the applicant's effort to decommission of the site. The main intent is to remove separate-phase

7-4

petroleum hydrocarbons from ground water. The action includes excavation of affected soils, remediation of a portion of these soils, and removal of the remaining affected soils to an offsite location. The volumes of clean overburden and affected soils are as follows:

Estimated Excavation Quantities	Control House Area	1999 Pipeline Release Area	Cutter Stock Sump Area	Totals
Surface Area (sq ft)	14,300	26,900	13,500	54,700
Average Depth (ft)	18	8	12	--
Source Area Thickness (ft)	4	4	4	--
Clean Volume (cy)	9,500	4,000	4,000	17,500
Impacted Volume (cy)	2,100	4,000	2,000	8,100
Total Volume (cy)	11,600	8,000	6,000	25,600

Workplan Components:

a. Site Preparation
   i. Ground Water Monitoring Well Removal. Twelve existing ground water monitoring wells will be removed as part of the proposed project. Replacement wells would be installed following project completion.
   ii. Control House Area. The three remaining structures would be demolished, including the Control House and two underground concrete vaults. Additionally, three load lines would be cut off and capped at the edge of the excavation area.
   iii. 1999 Pipeline Release Area. Two above ground pipelines, including a water discharge line and a water line, will need to be temporarily removed to allow for excavation of the release area. Fencing along the northern portion of the excavation area would also be removed.
   iv. Cutter Stock Sump Area. Removal of one unused utility pole is required for the excavation area, as well as the removal of five mature blue-gum eucalyptus trees and several young eucalyptus trees. A portion of the access road base south of the proposed excavation area would also be removed prior to commencement of excavation activities.
   v. Access Road Improvements. Several on-site access roads would be improved to provide access to the excavation areas.
   vi. Equipment Staging. Equipment to be utilized during the project would be brought on-site and stored at the identified staging areas.

b. Clearing and Grubbing. Remove existing vegetation at each of the three excavation areas.

c. Sheetpile Installation and Construction of De-watering Well Installation. An interlocking sheetpile wall is proposed to be installed along the western and northern boundaries of the Control House excavation and along the northern boundary of the 1999 Pipeline Release excavation area, forming one continuous sheetpile wall extending approx. 900 feet in length.

d. Overburden Excavation. Uncontaminated soil overlies the contaminated soil zone that is targeted to be excavated as part of the project. The overburden soil would be excavated, stockpiled, and field screened for potential contamination. The excavated soil determined to contain unacceptable concentrations of petroleum hydrocarbons would be segregated from

7-5

clean backfill material, and would be transported off-site for proper disposal at an approved landfill or soil recycling facility.

e. Source Removal. The petroleum hydrocarbon-impacted soil zone would be excavated, which will include contaminated soil at or below the current ground water table. The soil will then be loaded into dump trucks and transported to the soil management area for de-watering then transported for disposal.

f. Separate-Phase Petroleum Removal. Vacuum extraction equipment would be utilized to draw down the ground water surface within the excavation areas. Drum or weir skimmers would be utilized if sufficient quantities of separate-phase petroleum are encountered.

g. Wastewater and Petroleum Treatment and Disposal. Extracted water and separate-phase petroleum hydrocarbons would be plumbed to an oil/water separation unit where oil would be separated and quantified prior to off-site shipment. Processed water would be further treated, stored, and tested for compliance.

h. Soil Management, Transportation and Disposal. A temporary soil management area is proposed for construction as part of the proposed project at the former Shore Tank area. It would cover approximately 35,000 square feet and have a working capacity of 650 cubic yards of soil at any one time. The paved area would have a sump positioned at the lowest point for the removal of collected liquids using a sump pump. A determination would be made to assure that stockpiled soils have been sufficiently dewatered for off-site transportation. Project traffic will use Highway 1 and proceed to Highway 46 to Kern County.

i. Confirmation Sample Collection and Laboratory Analysis. Following the completion of excavation activities, a representative number of soil samples would be collected to characterize the residual concentration of petroleum hydrocarbon-containing soil remaining within the excavation area.

j. Petroleum Hydrocarbon Quantification. Petroleum hydrocarbons will be quantified by metering oil recovered in the oil/water separation unit, monitoring the GAC filtration vessels, and samples of excavated soil.

k. Backfill Material Sources and Excavation Backfill. On-site sources of backfill material will be used for the three excavation areas. On-site sources are available, including stockpiled oil, the Tank 901 berm material, and the ballast pond dikes. Backfill materials would be compacted to achieve a minimum 90% relative density.

If the proposed on-site material is determined to be unsuitable for use for backfill of the excavation areas, clean backfill will be back-hauled from an acceptable off-site source by transport trucks hauling contaminated soil to the designated soil recycling/disposal facility.

Due to the presence of saturated soils and ground water at the base of the proposed excavations, crushed concrete will be used, measuring three-inches or less in diameter, to provide backfill stabilization of the bottom two to four feet of the excavation.

l. Monitoring Well Installation. Following completion of the project, a separate Technical Work Plan will be submitted with a map presenting proposed monitoring well locations within

7-6

former excavation areas. The purpose of the proposed monitoring wells is to determine whether the project was successful in reducing the concentrations of dissolved phase petroleum hydrocarbons in ground water at the Shore Plan site.

m. Site Restoration. Following the completion of backfill activities, the sheetpile wall will be removed. The construction de-watering wells will also be removed and abandoned according to Department of Environmental Health requirements. The Control House and cutter stock sump areas would be graded to match surrounding topography. CPL is currently considering the restoration of the 1999 Pipeline Release area as possible constructed wetlands. Otherwise, the Release area will be graded to match surrounding topography.

The Final EIR studied several alternatives to the proposed project. An alternative termed the "Revised Project Alternative" was determined to be environmentally superior to the proposed project and the other studied alternatives. The revised Project Alternative" is the project contained in the recommendation. The following changes were made to the proposed project to arrive at this alternative project:

a. Equipment staging and overburden stockpile areas were relocated from the central portion of the site to the northeastern portion of the site. A stockpile staging area was added to the project

b. Reduce the length of access road locate east of the 1999 pipeline release plume and remove a road located north of the area.

Impacts to both cultural and biological resources were significantly reduced as a result of the revised project alternative.

PROJECT ANALYSIS

Ordinance Compliance

The proposed project site is located in the Agriculture land use category. The specific work site is located adjacent to the Toro Creek riparian corridor. Section 23.07.170 et seq contains requirements for projects located in Environmentally Sensitive Habitat Areas. The project site is located in:

a. Sensitive Resource Area (SRA)
b. Environmentally Sensitive Habitat (ESHA)
c. Wetlands
d. Streams and Riparian Vegetation
e. Energy and Extractive Area (EX)

These combining designations require that the underlying resource be protected by development setbacks between new development and the resource. In the case of the subject project, the identified resources are freshwater wetlands and riparian vegetation. Setbacks from these resources are usually 100 feet and may be reduced to 25 feet in certain circumstances. Portions of the proposed project encroach on the 25-100 foot setbacks from these resources. For example, the sheetpile wall to be used for the 1999 pipeline release plume will encroach on riparian vegetation.

7-7

This type of encroachment is not usually permitted unless the proposed use cannot proceed without encroaching on the resource. In the case of the subject project, no facilities will be left in place once the project is completed. Also, the project is not a development project as the term is usually used. In this case, the project proposes to attain an environmental benefit, clean groundwater. The area to be disturbed must be the area that needs to be excavated and the hydrocarbons removed from the soil and groundwater.

A balance needs to be attained when considering the effects of a clean up project. Extensive experience in clean up projects in sensitive resource areas has shown that the balance must include consideration of the proper clean up standards to meet, protection of remaining natural resources to the fullest extent possible and cooperation between agencies. In this case, the RWQCB has established strict clean up standards for the areas that pose the highest threat. These areas are proposed for excavation and source removal. The Final EIR studied that project and found that an alternative project lessened environmental impacts. That alternative is recommended as it met the clean up standard established by the RWQCB and it minimizes environmental impacts.

Combining designation findings in Exhibit B take these factors into account and are based on the following determinations:

1. The project reflects an environmental benefit of cleaner groundwater and soils.
2. The clean up level addresses the areas of highest threat.
3. The site will be restored following the project; and
4. The project will last a maximum of 4 months.

Planning Area Standards

The site is designated Agriculture in the Estero Area Plan. No Planning Area standards affect the site. The draft Estero Plan update proposes to remove the EX combining designation and to add standards requiring among other things a decommissioning plan. As the update has not yet been approved, the EX designation still exists for this site. The applicant has been actively decommissioning the facility for several years. Most of the tankage and pipelines at both the Shore Plant and the Hill Plant have been removed. Additional clean up may be required.

COASTAL PLAN POLICIES:

The project is subject to the Coastal Plan policies of the Local Coastal Plan and is consistent with the following applicable policies as follows:

Shoreline Access: Policies within the LCP encourage the protection of existing coastal access and the provision of new access with new development.

> The proposed project is located on the east side of State Highway 1. No element of the proposed project will affect coastal access. Future reuse of the site may result in the need for improved coastal access.

7-8

Recreation and Visitor Serving: Coastal Plan policies encourage the preservation of existing recreational opportunities and the expansion of such opportunities. Visitor-serving recreational facilities are given a priority over non-coastal dependent uses.

There are minimal, formal recreation and visitor serving uses on or near the site at this time. The project is clean up of an area of a marine terminal and will have no effect on recreation or visitor-serving opportunities. As with Shoreline Access, future reuse of the site may result in the expansion of recreational opportunities.

Energy and Industrial Development: Policies in the plan encourage decision-makers to weigh the environmental consequences of allowing continued or expanded industrial and energy land uses. The expansion of existing sites is preferred over the development of new sites, and existing facilities are encouraged to be abandoned when no longer in use.

The proposed project represents a portion of the process to decommission the site of this former marine terminal. The project does not represent development of a new site.

Commercial Fishing, Recreational Boating and Port Facilities: Policies in the Coastal Plan encourage the protection of commercial fishing and recreational boating facilities, and give priority, where feasible, to the expansion of such facilities.

No portion of the project extends west of Highway 1. No portion of the project is located offshore. Therefore, the proposed project will not adversely affect commercial fishing or recreational boating.

Environmentally Sensitive Habitats: Policies within the plan are intended to protect and preserve such resources from development, and where feasible, to restore and enhance such resources.

The proposed project site and other sites associated with the project are located adjacent to environmentally sensitive habitat areas. These areas include wetland and riparian resources. According to Section 4.2 of the Final EIR, a number of special status animal species have the potential to be found on the site. There are habitats in the vicinity that support several federally listed species, such as the northern sea otter, brown pelican and red legged frog. Conditions have been included that are intended to protect water quality and marine resources that may support these species offsite.

Agriculture: The Coastal Plan encourages the preservation of viable agricultural lands within the coastal zone. The agricultural policies guide agricultural land preservation and identify actions to protect the land and standards to guide development in agricultural areas.

The proposed project site, while designated agriculture in the County General Plan, has not been used for agricultural purposes since the inception of the facilities in 1928. Portions of the remaining Chevron owned properties do support agriculture. Row crops have been farmed along Toro Creek and portions of the larger ownership have been used for grazing purposes. However, the immediate proposed project site possesses little agricultural value.

7-9

Public Works: These Coastal Plan policies are related to the provision of sewer, water, roads, drainage and other public facilities. The intent of the Public Works policies is to ensure adequate public facilities are available and provided for existing and anticipated development.

The proposed project will not increase the demand for public services, such as water, wastewater collection and treatment, police and fire protection, or other public works. The applicant will institute proposed truck routes to reduce traffic conflicts on State Highway 1.

Coastal Watersheds: Policies in the Coastal Plan are intended to help maintain the long-term viability of such resources and to manage new development so that the viability of such resources is maintained.

Portions of the excavation are located adjacent to Toro Creek. Section 4.9 of the FEIR identifies measures to be put into place to reduce the potential for surface and groundwater impacts. In addition, long term monitoring of the site will ensure that future water quality impacts are identified. Therefore, the long-term viability of the watershed will be protected as encouraged by this policy.

Visual and Scenic Resources: Policies in the Plan provide guidance for new development relative to the protection of scenic resources, and encourage the preservation of existing resources. The progress of the proposed project will be minimally visible from State Highway 101. The project will not construct any buildings and little to no evidence of the project will be left in place once the project is completed. Therefore, the intent of this policy will be satisfied.

Hazards: These policies provide guidance for the protection of lives and property from natural and human-made hazards within the coastal zone, including floods, unstable geologic formations, erosion, fire, and bluff top retreat.

The primary hazard at the site is associated with the presence of petroleum hydrocarbons in soil and groundwater. The purpose of the proposed project is to remove petroleum hydrocarbon contamination from the site. According to Section 4.5, Hazards and Hazardous Materials of the Final EIR, several measures will be implemented to reduce exposure to hazards on the site.

Archeology: The coastal zone contains numerous important archeological sites, and potentially significant sites. The Coastal Plan contains policies relating to the identification and preservation of such resources.

According to Section 4.3, Cultural Resources of the Final EIR, there have been numerous cultural resource surveys on the site. The EIR concluded that portions of the proposed project could affect these sites. In response, key project elements were relocated to areas that will not impact archaeological resources.

Air Quality: This section of the Coastal Plan encourages the preservation and enhancement of air quality through implementation of the policies and programs of the Clean Air Plan.

7-10

Air quality impacts associated with the proposed project will be subject to the measures to reduce dust and diesel emissions, protection from lead and asbestos containing materials. The proposed project is consistent with the Clean Air Plan.

ENVIRONMENTAL DETERMINATION:

The County was the Lead Agency for preparation of the Environmental Impact Report prepared for this clean up project. The EIR analysis included: air quality, biological resources, cultural resources, geologic resources, hazards and hazardous materials, noise, public services, traffic circulation, water resources and land use.

No Class I, significant and unavoidable, impacts were found. Two areas of environmental analysis were found to require important mitigation: biological and cultural resources (see Final EIR for a complete discussion of the potential impacts and proposed mitigation measures.

Cultural Resources: The 25 acre Shore Plant area of the site overlaps a portion of a large prehistoric village site. The EIR archaeologist conducted a comprehensive analysis of all archaeological information complied for the site. The archaeologist also conducted further fieldwork as was recommended by a previous archaeological report.

The new cultural resource work determined: 1) that a large complex prehistoric site existed on the property and 2) the larger site is made up of smaller sites that were previously identified. The Revised Project alternative does not disturb the areas known to contain cultural resources. Other mitigation measures will require monitoring of excavations.

Biological Resources: The proposed project will disturb an area that contains significant biological resources. These resources are chiefly wetland and riparian environments. The site contains approximately 3.1 acres of riparian habitat, 5.5 acres of seasonal freshwater wetlands and 0.16 acres of emergent wetland habitat types. The project as proposed would disturb approximately 0.03 acres of riparian habitat and 0.97 acres of seasonal freshwater wetland habitat. The revised project alternative would reduce the impacts to wetland habitat.

Applicant Proposed Mitigation Measures:

The applicant has proposed several mitigation measures as part of the project description (Section 2.5.3 of the FEIR):

1. **Air Quality**. As part of the earthwork contract, Chevron will include a requirement for two pieces of equipment to be used the most in terms of horsepower-hours to meet the 1996 Federal non-road emission standards.

2. **Biological Resources**. The applicant has proposed measures for the protection of Special-Status Plants; protection of Special-Status Wildlife and protection of Sensitive Habitats.

3. **Cultural Resources**. The applicant has proposed measures for the protection of Archeological Site CA-SLO-879 Protection Measures; and a county qualified historian will be retained to conduct an architectural evaluation of the facility to identify pre-Chevron structures.

7-11

4. **Geology, Seismic Hazards and Soils.** The applicant proposes to: develop and implement a Storm Water Pollution Prevention Plan; develop and implement an Erosion and Sedimentation Control Plan; and develop and implement a Site Revegetation Plan.

5. **Noise.** The applicant proposes: construction equipment will be equipped with mufflers to dampen engine noise and construction activity will be limited to between the hours of 7:00 a.m. and 6:00 p.m.

6. **Traffic.** The applicant proposes: trucks will be restricted to right turns only when exiting the Marine Terminal. The trucks will proceed north along Highway 1 to Highway 46. Trucks will proceed east on Highway 46 to Kern County.

Agency Approvals

Chevron Pipe Line Company is seeking a Coastal Development Permit/ Development Plan and Grading Permit from the County of San Luis Obispo to allow for the source removal project. The project may also require a streambed alteration agreement from the California Department of Fish and Game for the removal of riparian vegetation associated with Toro Creek. In addition, the project would likely require Army Corps of Engineers permitting pursuant to Section 404 of the Clean Water Act and certification through the Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act.

COMMUNITY ADVISORY GROUP COMMENTS

This project is not located within the area of any advisory group. The Cayucos Citizen's Advisory Council has discussed the project and other activities at the terminal site in the past. The Council has expressed support for continued clean up of the site.

AGENCY REVIEW

Public Works - Drainage plans
Environmental Health – Environmental Health is not taking the lead on this project. They report that the Department will be involved in any Hill Plant clean up projects.
Ag Commissioner - No comments
County Parks – Review recreation issues
CDF – Fire safety plan requirements
APCD – see EIR comments
Department of Fish and Game – Permits are required from Fish and Game
Cal Trans – No comments
California Coastal Commission – No comments

LEGAL LOT STATUS:
The legal lot was legally created by deed at a time when that was a legal method of creating lots.

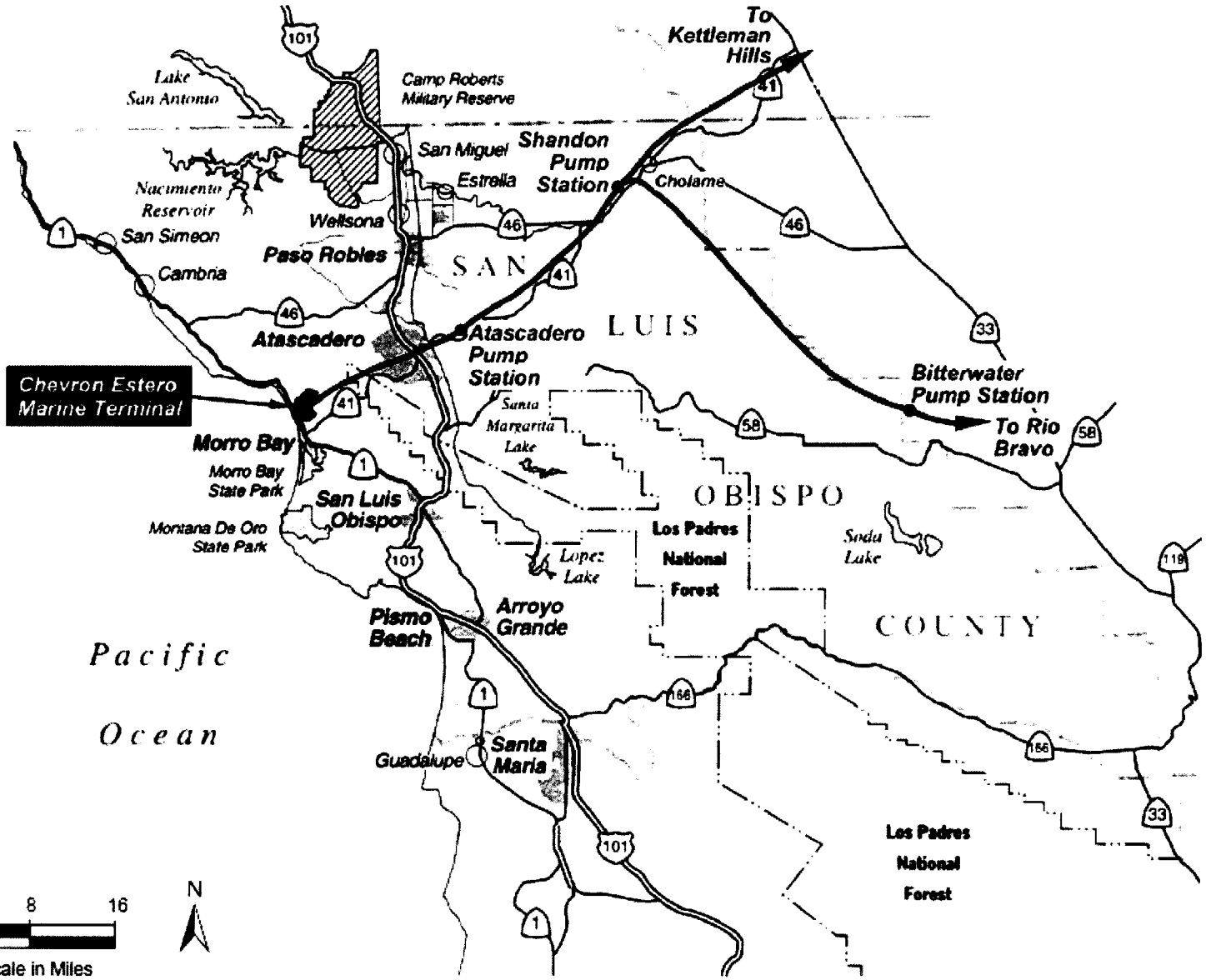
Staff report prepared by James Caruso, Senior Planner
and reviewed by Kami Griffin, Supervising Planner

7-12

Attachments

Graphics
Exhibit A – Coastal Development Permit Findings
Exhibit B – Coastal Development Permit Conditions
Exhibit C – CEQA Findings
Exhibit D – Mitigation Monitoring Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



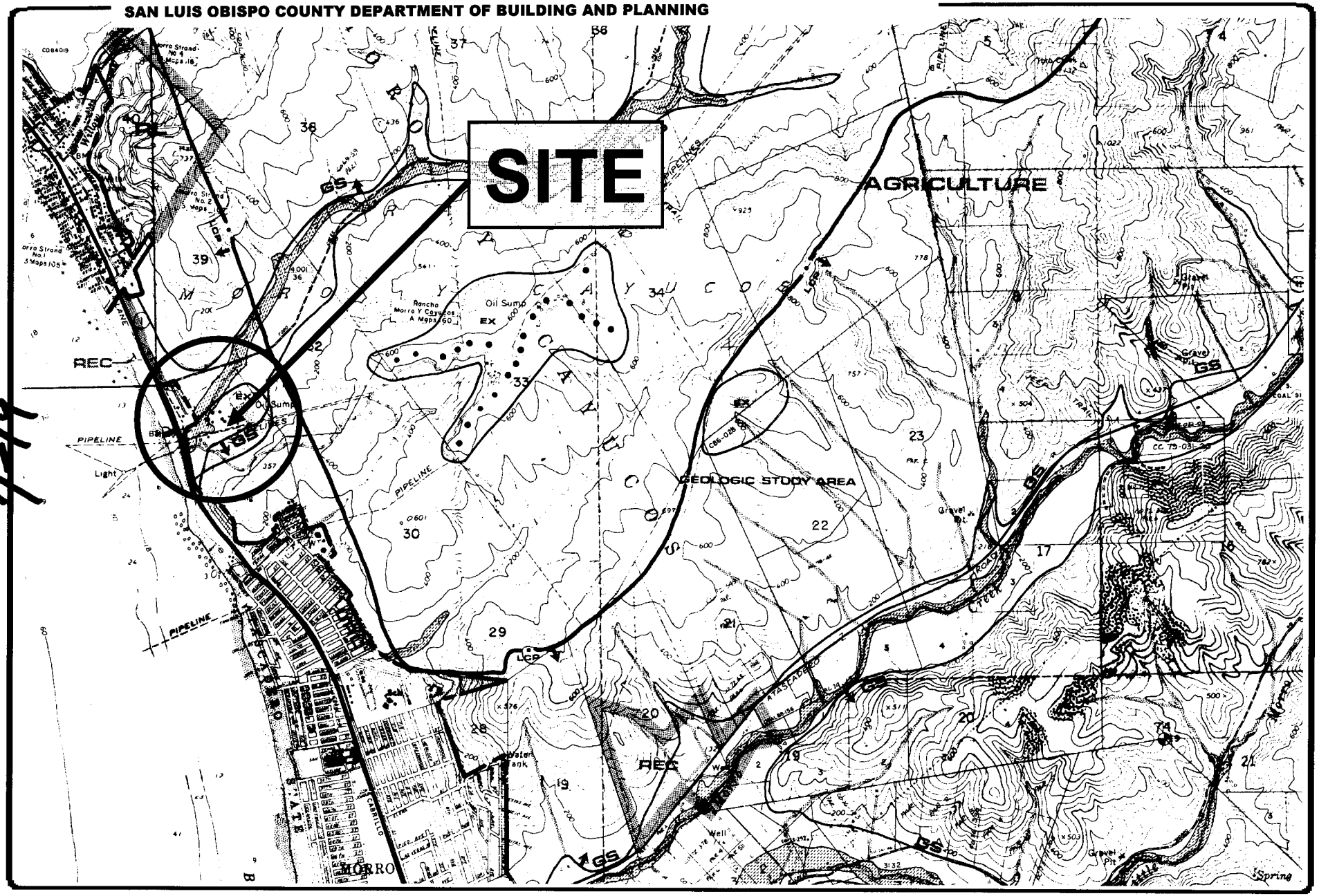
PROJECT

Development Plan
Chevron USA D020315D

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Development Plan
Chevron USA D020315D

EXHIBIT

Land Use Category

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

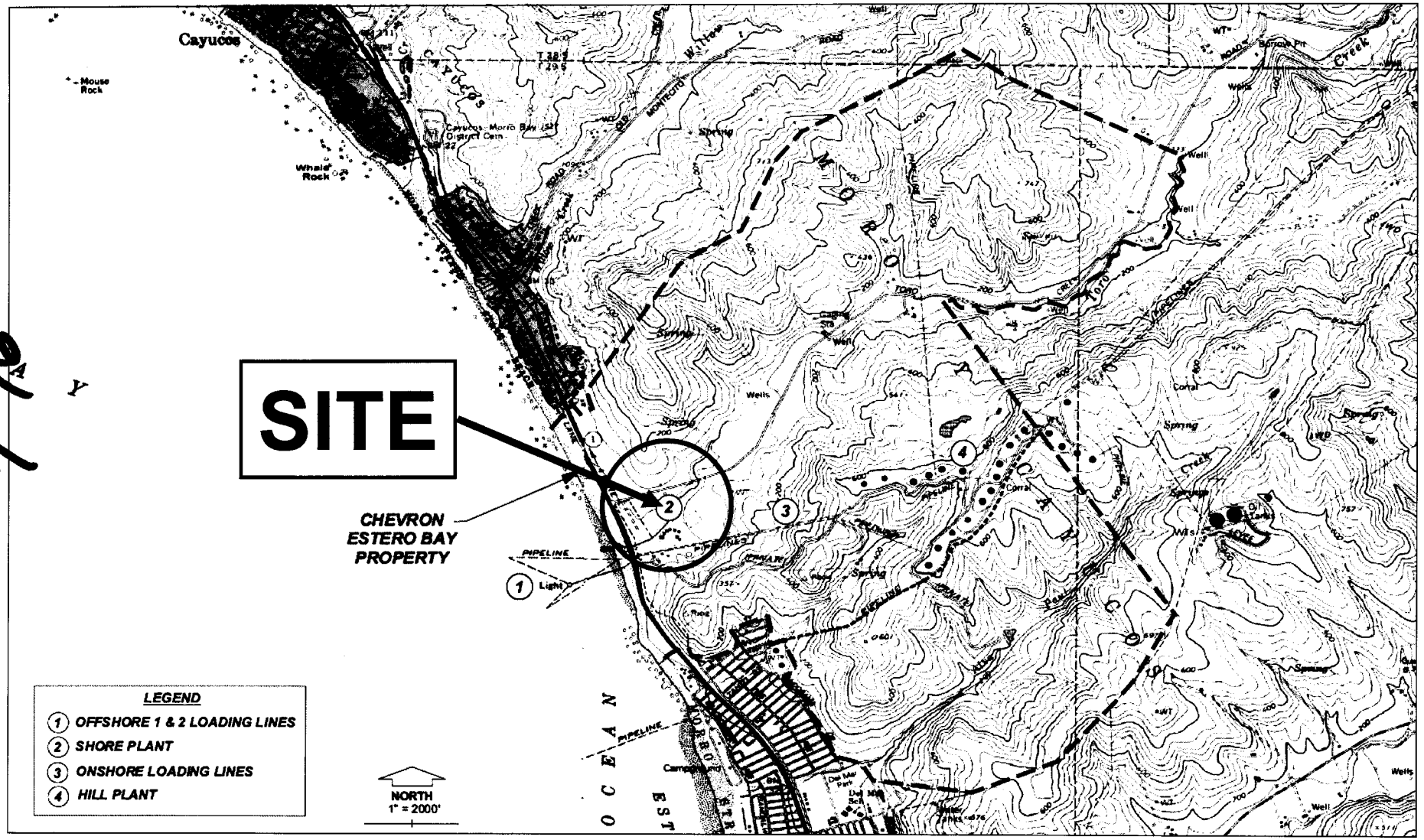
PROJECT

Development Plan
Chevron USA D020315D

EXHIBIT

Aerial Photo

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



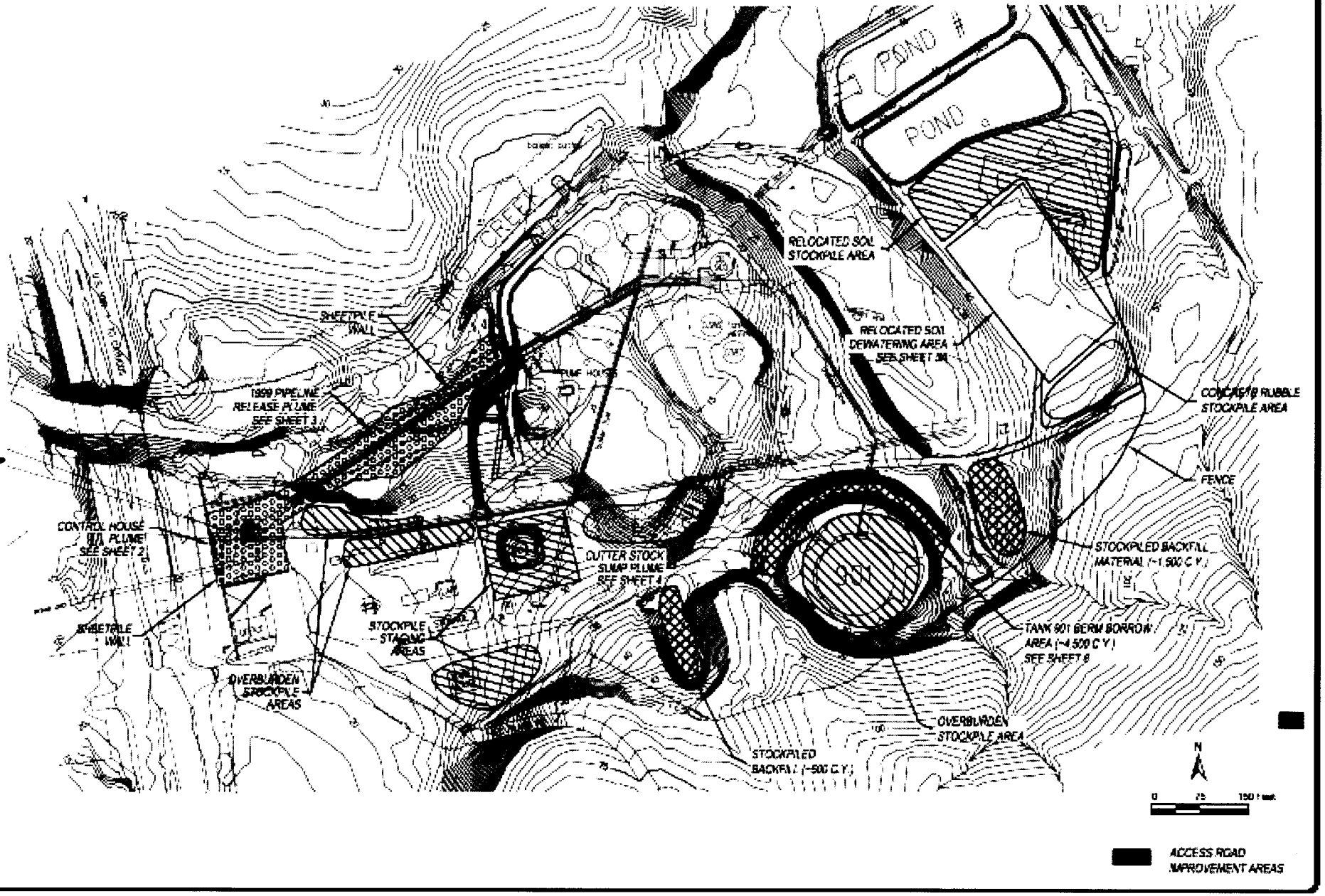
PROJECT

Development Plan
Chevron USA D020315D

EXHIBIT

Project Vicinity

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



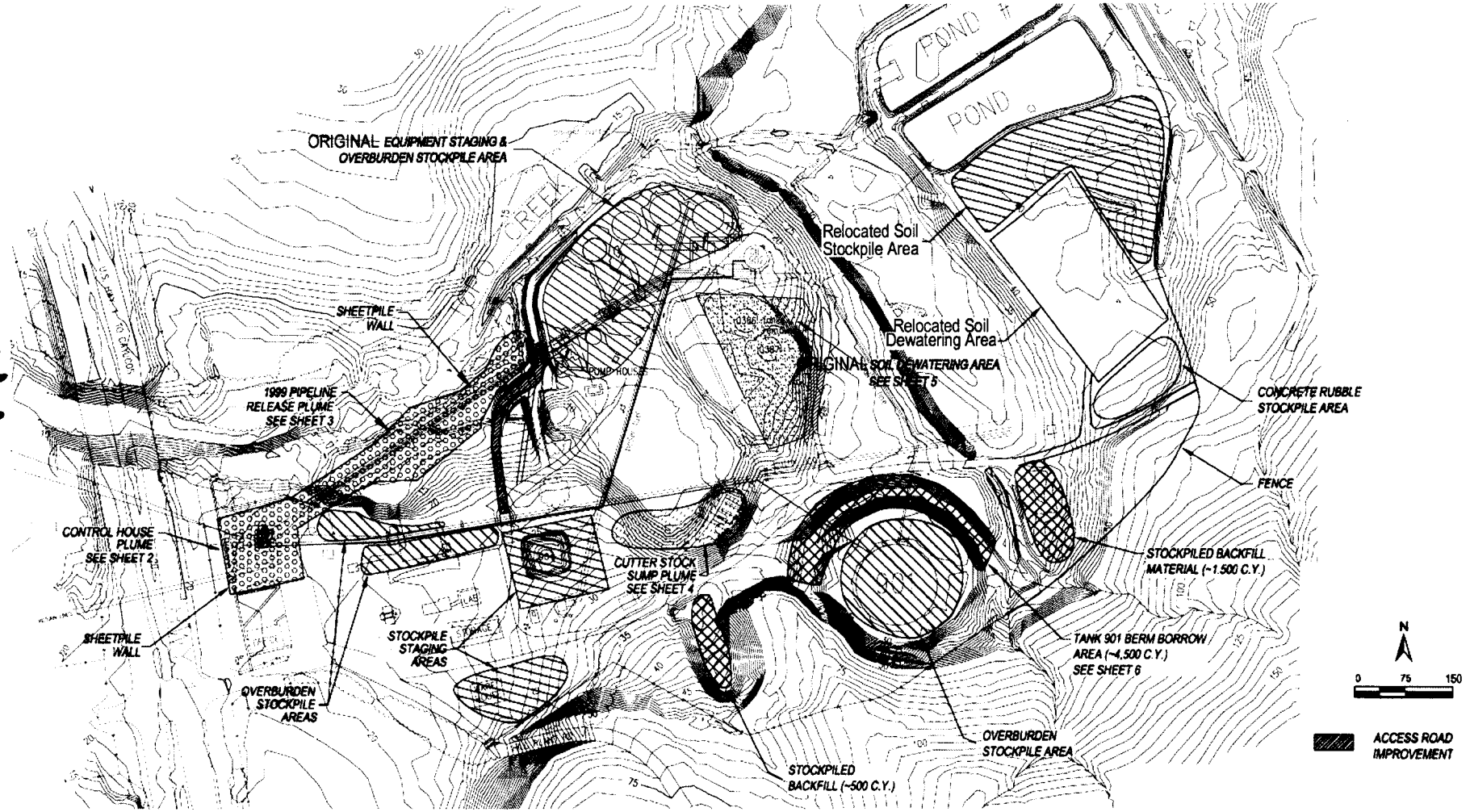
PROJECT

Development Plan
Chevron USA D020315D

EXHIBIT

Site Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

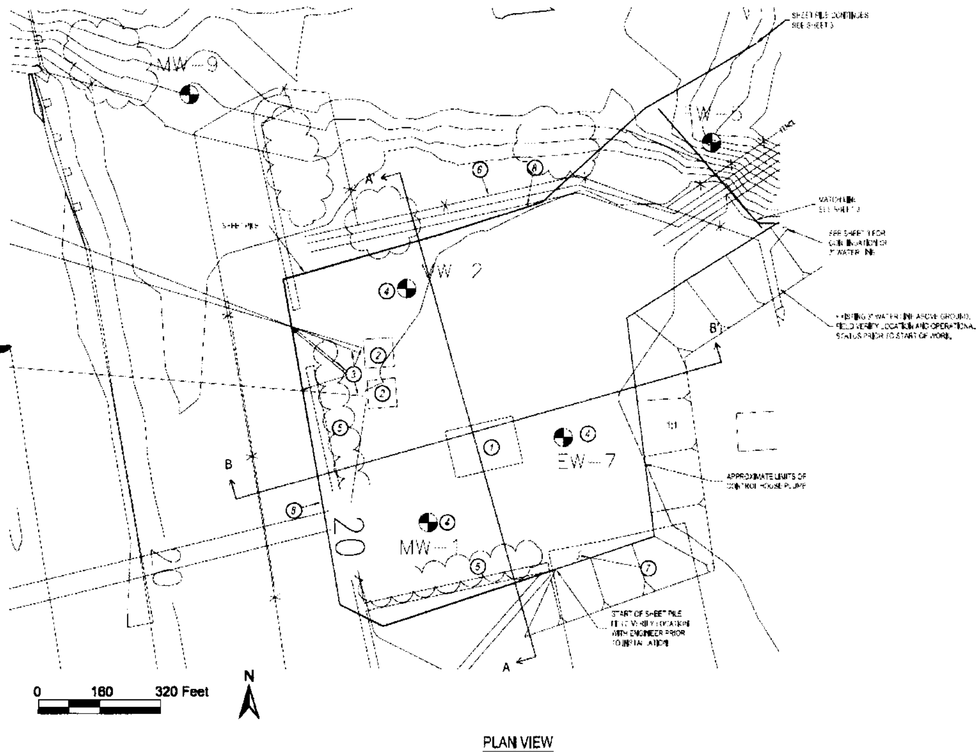


PROJECT

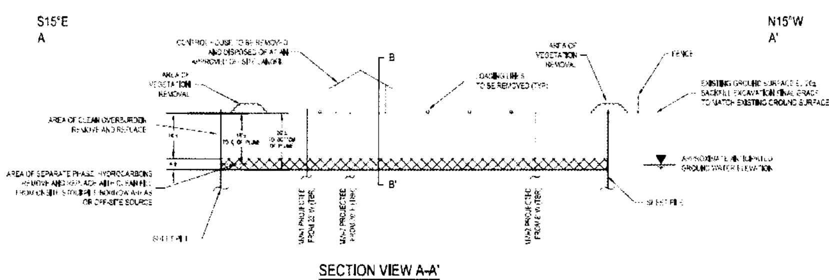
Development Plan
Chevron USA D020315D

EXHIBIT

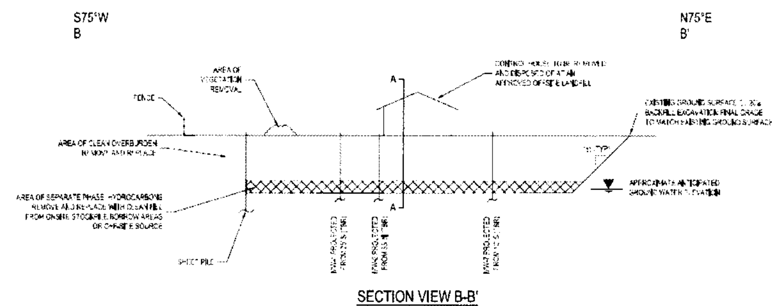
Revised vs. Original Site Plan



PLAN VIEW



SECTION VIEW A-A'



SECTION VIEW B-B'

NOTES

1. DEMOLISH CONTROL HOUSE
2. DEMOLISH CONCRETE SHORT VAULTS (2 EA)
3. CUT, REMOVE AND CAP LOADING LINES (3 EA) AT EDGE OF EXCAVATION AREA. CUT AND CAP LINES IN ACCORDANCE WITH CHEVRONTEXACO HOT WORK AND ALL ASSOCIATED HEALTH AND SAFETY PROCEDURES.
4. REMOVE MONITORING WELLS (3 EA)
5. REMOVE ORNAMENTAL LANDSCAPE VEGETATION
6. REMOVE EXISTING FENCE AND REPLACE AFTER GRADING WORK IS COMPLETED
7. REMOVE AC PAVEMENT, REPLACE AC PAVEMENT WHEN BACKFILL COMPLETED
8. SHEET PILE DESIGNED IN ACCORDANCE WITH DESIGN PARAMETERS INCLUDED ON SHEET

LEGEND

- EXISTING MONITORING WELL
- APPROXIMATE LIMITS OF SITE DISTURBANCE
- APPROXIMATE LIMITS OF SEPARATE PHASE HYDROCARBONS PER ENTRIX (ENTRIX 2002)
- EXISTING FENCE
- SHEET PILE

Control House Excavation Area
Preliminary Grading Plan

PROJECT

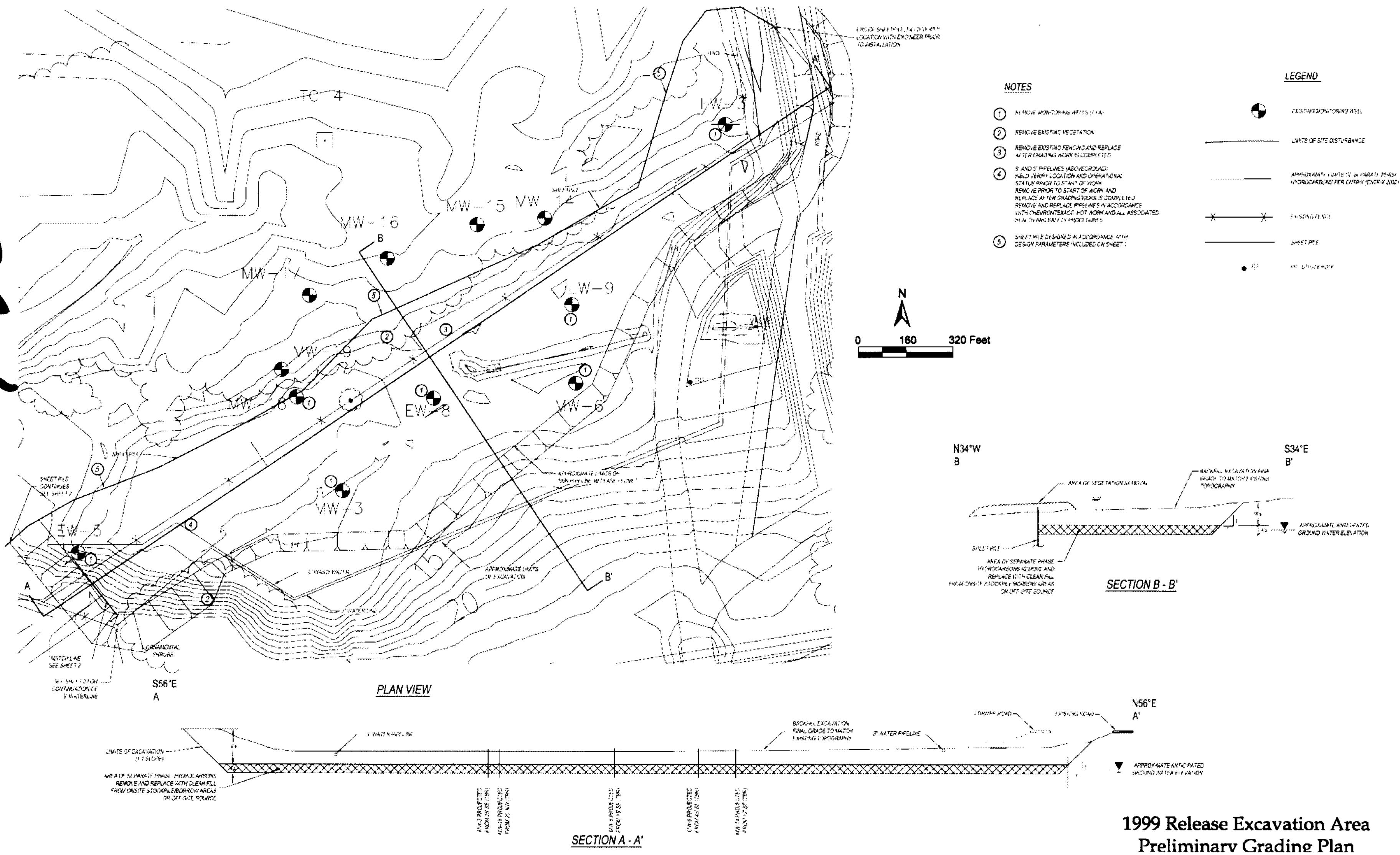
Development Plan
Chevron USA D020315D

EXHIBIT

Control House Area Grading Plan

7-20

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

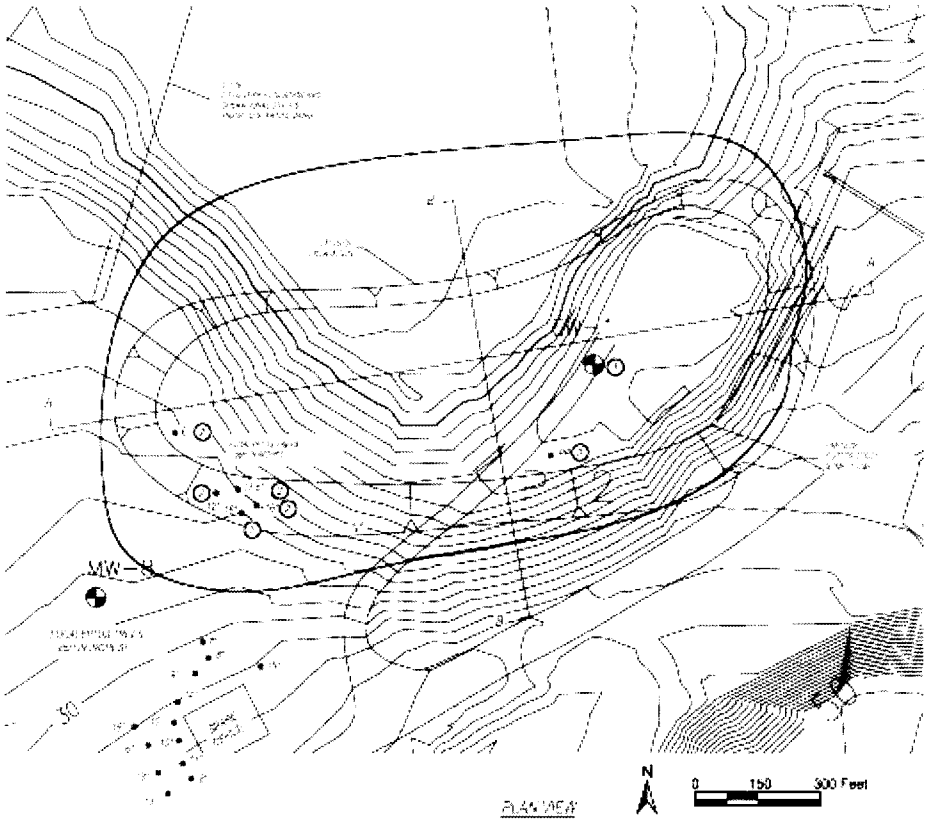


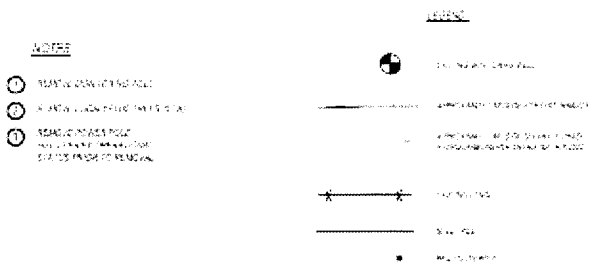
1999 Release Excavation Area
Preliminary Grading Plan

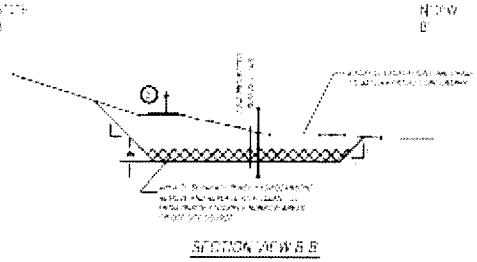
PROJECT
Development Plan
Chevron USA D020315D

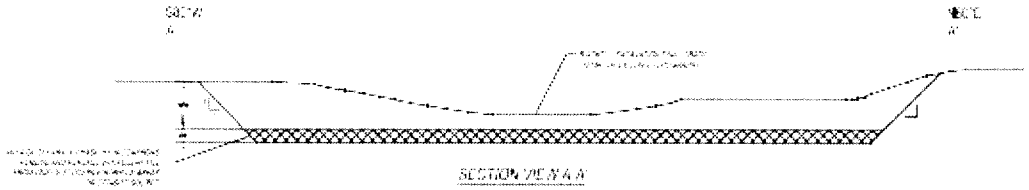
EXHIBIT
99' Release Area Grading Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING









Cutter Stock Sump
Excavation Area
Preliminary Grading Plan

PROJECT

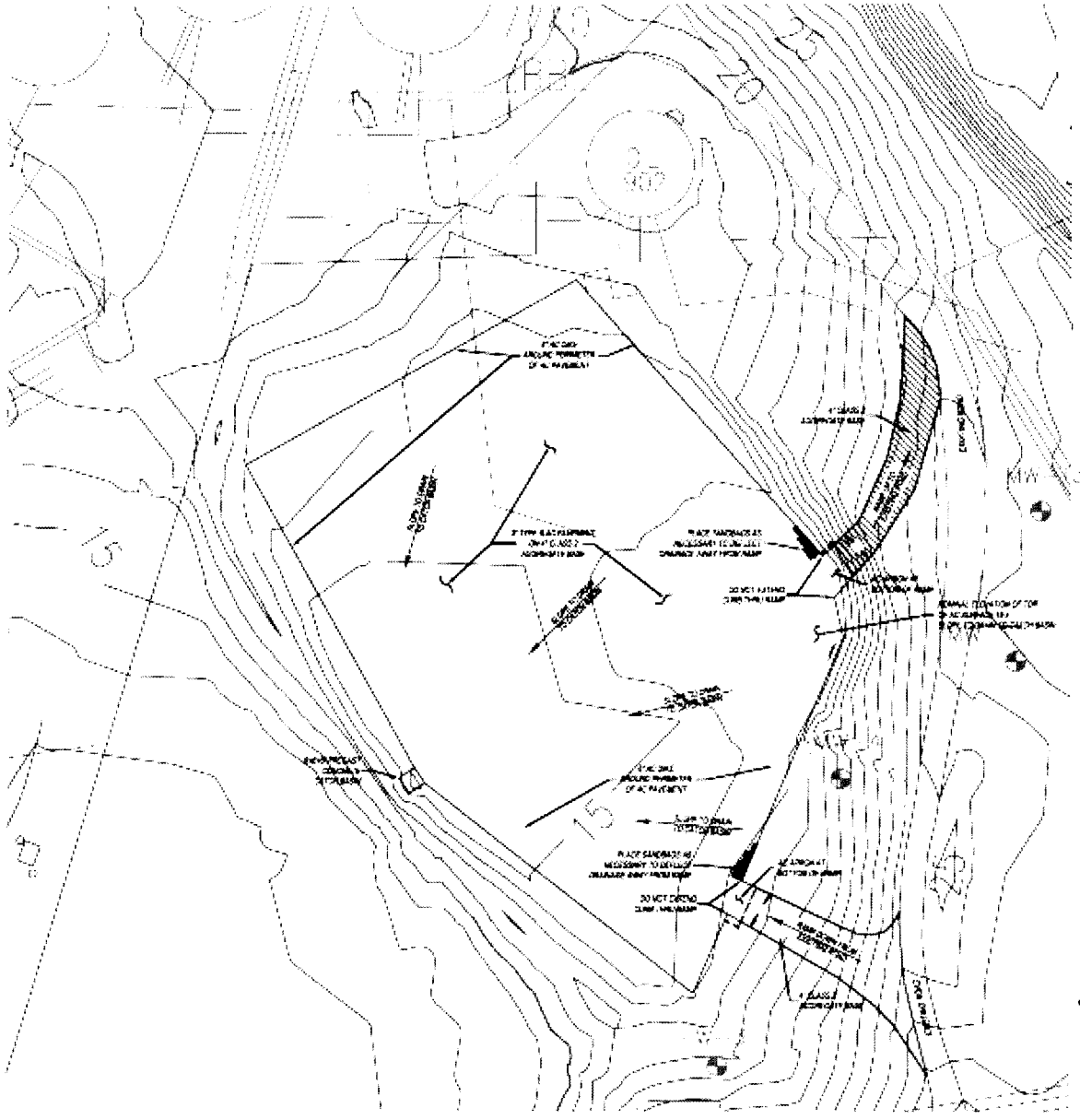
Development Plan
Chevron USA D020315D

EXHIBIT

Cutter Stock Sump Area Grading Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

7-22



NOTES

0 150 300 Feet

Container Soil
Dewatering Area Detail

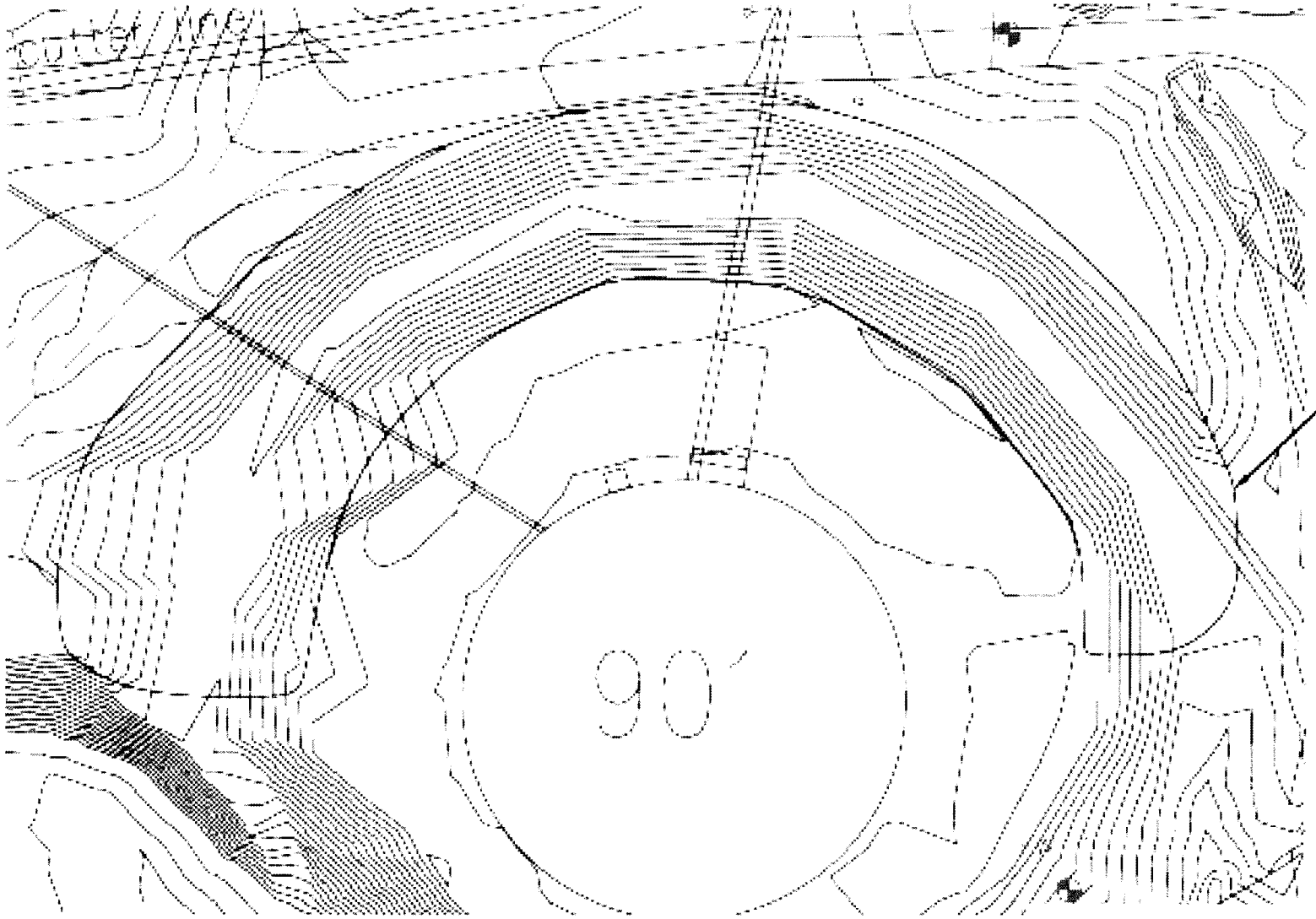
PROJECT

Development Plan
Chevron USA D020315D

EXHIBIT

Dewatering Area Detail

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



Source: Padre Associates, Inc., April 2003.

TANK 901 BERM
BORROW AREA PLAN

N

0 250 500 Feet

PROJECT

Development Plan
Chevron USA D020315D

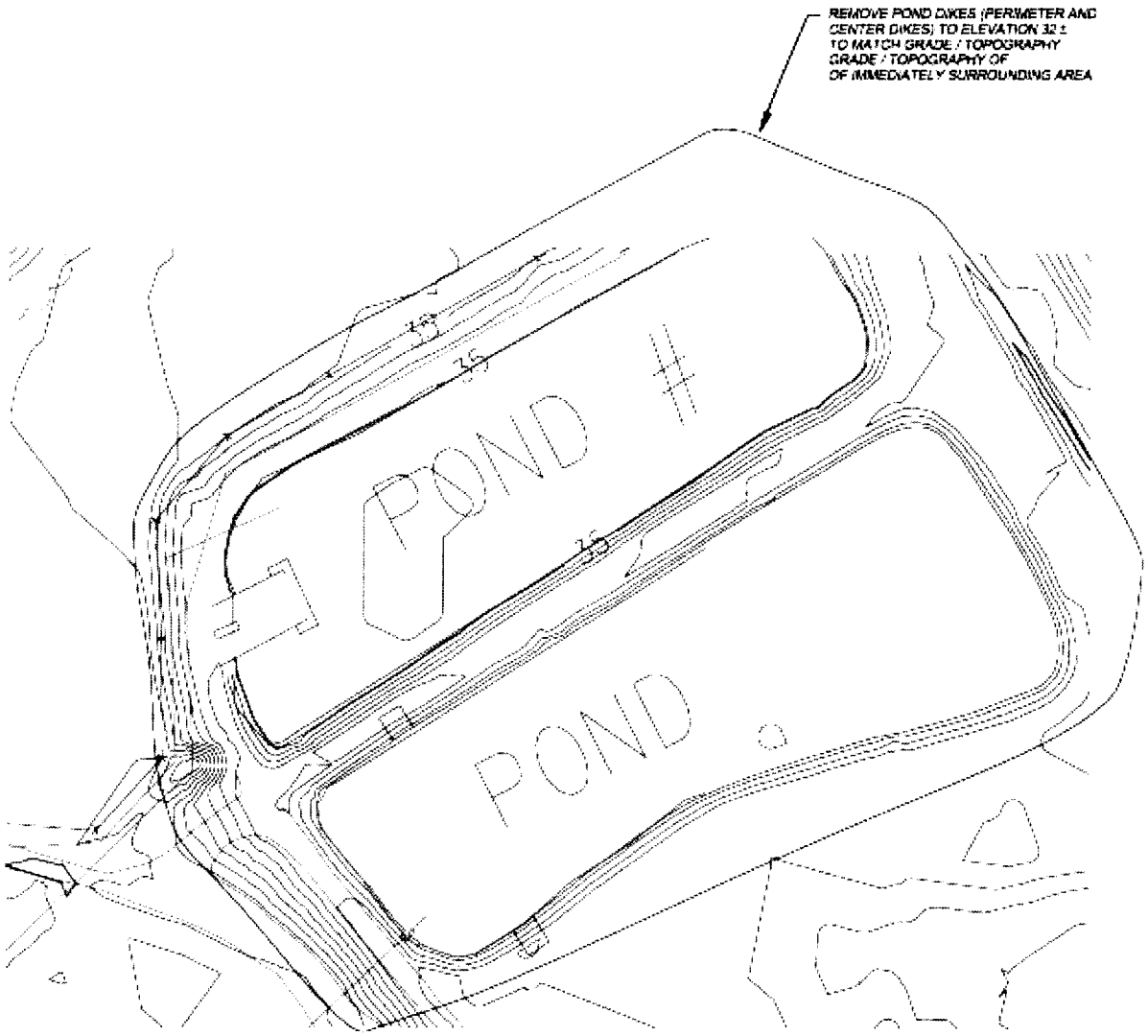
EXHIBIT

Borrow Area Detail – Tank 901 Berm

D-23

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

7-24



Source: Padre Associates, Inc., July 2003.

N

0 150 300 Feet

BALLAST POND DIKES
BORROW AREA PLAN

PROJECT

Development Plan
Chevron USA D020315D

EXHIBIT

Borrow Area Detail – Ballast Pond Dikes

7-25

COASTAL DEVELOPMENT PERMIT
FINDINGS - EXHIBIT A

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: air quality, biological resources, cultural resources, geologic resources, hazards and hazardous materials, noise, public services, traffic and circulation, water resources and land use. Mitigation measures are proposed to address these impacts and are included as conditions of approval. CEQA findings are attached as Exhibit C.

Coastal Development Permit/Development Plan

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because:

1. The proposed project is located on the east side of State Highway 1. No element of the proposed project will affect coastal access. Future reuse of the site may result in the need for improved coastal access.

2. There are minimal, formal recreation and visitor serving uses on or near the site at this time. The project is clean up of an area of a marine terminal and will have no effect on recreation or visitor-serving opportunities. As with Shoreline Access, future reuse of the site may result in the expansion of recreational opportunities

3. The proposed project represents a portion of the process to decommission the site of this former marine terminal. The project does not represent development of a new site.

4. No portion of the project extends west of Highway 1. No portion of the project is located offshore. Therefore, the proposed project will not adversely affect commercial fishing or recreational boating.

5. The proposed project site and other sites associated with the project are located adjacent to environmentally sensitive habitat areas. These areas include wetland and riparian resources. According to Section 4.2 of the Final EIR, a number of special status animal species have the potential to be found on the site. There are habitats in the vicinity that support several federally listed species, such as the northern sea otter, brown pelican and red legged frog. Conditions have been included that are intended to protect water quality and marine resources that may support these species offsite.

6. The proposed project site, while designated Agriculture in the County General Plan, has not been used for agricultural purposes since the inception of the facilities in 1928. Portions of the remaining Chevron owned properties do support agriculture. Row crops have been farmed along Toro Creek and portions

of the larger ownership have been used for grazing purposes. However, the immediate proposed project site possesses little agricultural value.

7. The proposed project will not increase the demand for public services, such as water, wastewater collection and treatment, police and fire protection, or other public works. The applicant will institute proposed truck routes to reduce traffic conflicts on State Highway 1.

8. Portions of the excavation are located adjacent to Toro Creek. Section 4.9 of the Final EIR identifies measures to be put into place to reduce the potential for surface and groundwater impacts. In addition, long term monitoring of the site will ensure that future water quality impacts are identified. Therefore, the long-term viability of the watershed will be protected as encouraged by this policy

9. The progress of the proposed project will be minimally visible from State Highway 101. The project will not construct any buildings and little to no evidence of the project will be left in place once the project is completed. Therefore, the intent of this policy will be satisfied.

10. The primary hazard at the site is associated with the presence of petroleum hydrocarbons in soil and groundwater. The purpose of the proposed project is to remove petroleum hydrocarbon contamination from the site. According to Section 4.5, Hazards and Hazardous Materials of the Final EIR, several measures will be implemented to reduce exposure to hazards on the site.

11. According to Section 4.3, Cultural Resources of the Final EIR, there have been numerous cultural resource surveys on the site. The Final EIR concluded that portions of the proposed project could affect these sites. In response, key project elements were relocated to areas that will not impact archaeological resources.

12. Air quality impacts associated with the proposed project will be subject to the measures to reduce dust and diesel emissions, protection from lead and asbestos containing materials. The proposed project is consistent with the Clean Air Plan.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code because the proposed project complies with combining designation requirements of Chapter 7 of the Coastal Zone Land Use Ordinance as it is a clean up project that has a goal of improving water quality. Impacts to other resources have been minimized. No significant impacts to resources will occur fro the project as conditioned.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed project will remediate contaminated soil and groundwater. All hazards on the site will be mitigated and the pubic health and safety protected.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is one of several that are required to decommission the site as a marine terminal.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because all truck traffic is required to make right turns only, in and out of the facility.

Sensitive Resource Area

G. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because all project elements have been designed and located to minimize impacts to natural resources. The Final EIR prepared for the project does not identify any unavoidable impacts.

H. Natural features and topography have been considered in the design and siting of all proposed physical improvements because project elements that were shown to have a significant impact on the site's natural resources have been relocated to areas of the site that do not contain these resources.

I. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because all resources which are the basis for the designation have been protected to the fullest extent possible and the clean-up level for groundwater has been set to balance remediation of water resources with impacts to terrestrial resources.

J. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project has been conditioned to meet stringent erosion control requirements.

Environmentally Sensitive Habitat

K. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

L. The proposed use will not significantly disrupt the habitat chiefly because the project will have only a 3-4 month duration and no permanent development of the site will result.

Wetlands

M. The wetland setback of 25 to 100 feet would make the site physically unusable for the principal permitted use unless it is reduced because the proposed project is a clean up that can only take place where the contamination to be removed is located. The extent of the clean up has been determined, in part, to protect groundwater quality and at the same time protect land based natural resources such a wetland and riparian habitats.

N. The setback reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered because the approved project takes into account the resources on site by adjusting clean up levels, construction staging, and project duration.

O. That the setback adjustment would not allow the proposed development to locate closer to the wetland than allowed using the stringline setback method pursuant to Section 23.04.018a of this Title.

Streams and Riparian Vegetation

P. Alternative locations and routes are infeasible or more environmentally damaging.

Q. Adverse environmental effects are mitigated to the maximum extent feasible.

R. The setback adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks.

S. The setback adjustment is the minimum that would allow for the establishment of a principal permitted use.

EX - Combining Designation

T. The proposed use will not adversely affect the continuing operating or expansion of the energy or extraction use because the project site is located on the east side of Highway 1, will not result in permanent development and has no effect on future or existing coastal access.

Coastal Access

U. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

7-29

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the removal of approximately 23,500 cubic yards of soil, 8,100 cubic yards of which are affected by petroleum hydrocarbons. The excavations to remove petroleum affected soils would take place in three areas and would include site preparation, sheetpile wall installation, overburden excavation, source removal, separate phase petroleum removal, treatment, sampling, backfilling excavations and site restoration. The project will result in the disturbance of approximately 9 acres of a 25 acre site. See Final EIR dated January 2006 for a full project description. The Revised Project Alternative identified in the Final EIR is the subject of this approval.

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved grading plans and conditions of approval.

Fire Safety

3. **At the time of application for construction permits,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated May 28, 2003.

Fees

4. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Land Use Permit

5. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

6. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

7-30

Other Agency Approvals

7. **Prior to issuance of a construction permit**, the applicant shall submit evidence to the Dept of Planning and Building, to the satisfaction of the Director, that the applicant has secured necessary permits from the following agencies:

   a. California Dept of Forestry/County Fire Department
   b. California Regional Water Quality Control Board
   c. California Dept of Fish and Game
   d. Air Pollution Control District
   e. Regional Water Quality Control Board
   f. Army Corps of Engineers
   g. Other agencies that may have permitting authority for the project or at the site.

AIR QUALITY

8. **Application of CBACT**. The following measures shall be implemented to reduce combustion emissions from equipment:

   a. The project applicant shall submit for review by the County Planning and APCD staff a grading plan showing the area to be disturbed and a description of equipment that will be used and pollution reduction measures that will be implemented. Upon confirmation by County Planning and APCD, appropriate CBACT features shall be applied.
   b. The project applicant shall be required to ensure that all equipment and portable engines is properly maintained and tuned according to manufacturer's specifications.
   c. The project applicant shall be required to ensure that off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with CARB motor vehicle diesel fuel (non-taxed off-road diesel is acceptable).
   d. The project applicant shall be required to install a diesel oxidation catalyst on each of the two pieces of equipment projected to generate the greatest emissions. Installations must be prepared according to manufacturer's specifications.
   e. The project applicant shall maximize, to the extent feasible, the use of diesel construction equipment meeting CARB's 1996 and newer certification standard for off-road heavy-duty diesel engines
   f. The applicant shall minimize diesel engine idling to a maximum of five minutes.

9. **Dust Control**. The following measures shall be implemented to reduce PM10 emissions during project activities:

   a. The project applicant shall reduce the amount of the disturbed area where possible.
   b. The project applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible.
   c. The project applicant shall spray all dirt-stock-pile areas daily as needed.

d. The applicant shall identify permanent dust control measures in the approved project site restoration plan and implemented as soon as possible following completion of any soil disturbing activities.
e. The project applicant shall show plans for exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
f. The project applicant shall show that all disturbed soil areas not subject to site restoration shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
g. The project applicant shall show that all areas intended for paving should be completed as soon as possible.
h. Vehicle speed shall not exceed 15 mph on any unpaved surface at the site.
i. The project applicant shall cover all trucks hauling dirt, sand, soil or other loose materials or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
j. The project applicant shall install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
k. The project applicant shall sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

10. **Cover Stockpiled Soils**.

a. For any soil stockpiled for more than two days it shall be covered, kept moist, or treated with soil binders to prevent dust generation.
b. The applicant shall keep trucks transporting material covered by a tarp from Chevron/Estero Marine Terminal Source Removal Project EIR the point of origin.
c. The applicant shall keep covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal. Covered piles shall be designated in such a way to eliminate erosion due to wind or water; no openings in the covers are permitted.

11. **Dust Control Monitor.** The contractor shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

12. **Asbestos Sampling and Supervision.**

a. Prior to demolition work, areas of the structures to be demolished shall be sampled as part of an asbestos survey in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP). If asbestos is found in any Chevron/Estero Marine Terminal Source Removal Project EIR building, asbestos-related work, including demolition, involving 100 square feet or more of asbestos containing materials (ACMs) shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant and asbestos shall be removed and disposed of in compliance with applicable State laws.

b. Regardless of whether asbestos is identified in any building, prior to demolition of existing structures the APCD shall be notified and an APCD Notification of Demolition and Renovation Checklist shall be submitted to both APCD and the County Planning Department.

13. **Lead-Based Paint Management.** If during demolition of on-site structures paint is separated from the building material (e.g. chemically or physically), the applicant shall have the paint waste evaluated independently from the building material by a qualified hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed in accordance with local, state and federal regulations. According to the Department of Toxic Substances Control (DTSC), if paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as construction debris (a non-hazardous waste). The landfill operator will be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements.

14. **Naturally Occurring Asbestos Determination.** Prior to any grading activities at the site, a qualified geologist shall be retained by the applicant for the purpose of determining if serpentine rock is present. Grading or earth movement in serpentine rock larger than 1 acre will require prior APCD approval of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program (as described in the California ARB Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations). If naturally occurring asbestos is not present, an exemption form must be filed with the APCD.

BIOLOGICAL RESOURCES

15. **Riparian and Wetland Protection.** Implementation of the following measures would mitigate the loss of riparian/wetland habitat to a less than significant level:

a. The applicant shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, a water quality certification from the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act, and a Streambed Alteration Agreement from the California Department of Fish and Game pursuant to Section 1600 et seq. of the California Fish and Game Code for any grading or fill activity within drainages and wetlands and trimming/removal of riparian vegetation. It is recommended that the applicant contact these agencies prior to final plan submittal in order to incorporate any additional requirements into the project design.

b. As part of the permitting process, the applicant will be required to provide a compensatory habitat creation/restoration program to mitigate impacts to jurisdictional areas. The plan shall be written and implemented by a biologist familiar with restoration and mitigation techniques. Compensatory mitigation shall occur on-site using regionally collected native plant material at a minimum ratio of 2:1 (habitat created to habitat impacted). The CDFG and RWQCB may require a higher mitigation ratio.The plan shall include, but not be limited to the following components:

1. Description of the project/impact site (i.e.: location, responsible parties, jurisdictional areas to be filled/impacted by habitat type);
2. goal(s) of the compensatory mitigation project (type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved, specific functions and values of habitat type(s) to be established, restored, enhanced, and / or preserved);
3. description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
4. implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
5. maintenance activities during the monitoring period (activities, responsible parties, schedule);
6. monitoring plan for the compensatory mitigation-site (performance standards, target functions and values, target hydrological regime, target jurisdictional and non-jurisdictional acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
7. completion of compensatory mitigation (notification of completion, agency confirmation); and
8. contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

16. **Site Restoration Plan.** The **SRP** that is a part of the proposed project plan for the site shall be revised by the following measures:

    a. The plan shall include the above described riparian and wetland restoration plan as a major component.
    b. The quantity of all habitats that will be impacted and the amount that will be revegetated shall be specified.
    c. The applicant shall clearly identify mitigation areas.
    d. Hydroseeding, hand seeding, or container stock revegetation of all cleared, grubbed, and bare areas shall be completed no later than October. Any areas in which steep slopes are located (such as along the creek after the sheet pile wall is removed) shall include additional erosion controls such as a loose weave straw matting installed per manufacturer's specifications immediately after any seeding activities. Loose straw alone shall not be sufficient to stabilize steep slopes.
    e. All erosion control and restoration plant material shall be from native locally collected stock (from west side of Coast Ranges between Cambria and Montana De Oro State Park).

17. **Erosion and Sedimentation Control Plan (ESCP).** An ESCP shall be prepared for project activities, and incorporated into contract specifications. The ESCP shall include the project design, existing site conditions, soil characteristics, critical areas (high erosion and deposition potential, encompassing the excavation, dewatering and borrow areas, as well as the sheetpile installation area near the creek), erosion and sediment control measures, maintenance measures, maps (showing existing and final contours, existing vegetation, soils, existing and final drainage patterns based on the grading plan), limits of clearing and grading, an erosion control planting plan, and a

stormwater management system. The plan will include, but not be limited to, the following measures to reduce water and wind erosion of exposed soils:

a. Ground-disturbing activities, including grading, shall be performed during dry weather to reduce water erosion. Activities shall cease within 2 days of forecasted rain events.
b. Graded areas shall be clearly marked and no equipment or vehicles shall disturb slopes or drainages outside of the grading area.
c. Areas used to stockpile fill shall be graded to disperse water.
d. Silt fences and/or hay bales shall be placed along the bank of channels to trap sediments prior to entry into the surface water system.
e. Silt fences and/or hay bales shall be placed at the toe of fill slopes to contain sediments prior to stabilization.
f. Use of temporary erosion control measures to reduce erosion potential of disturbed soils or stockpiles not be re-worked for extended periods. These measures may include the use of straw, jute netting, hydroseeding, or straw mats to protect soils from erosion.
g. During and after construction, inspection and maintenance shall be performed to identify and repair areas of concentrated runoff and sediment transport.
h. Implement a planting plan designed to provide temporary and permanent vegetative cover of exposed soils to minimize erosion. Exposed soils shall be hydroseeded immediately upon completion of ground-disturbing activities, and allowed sufficient time to establish prior to the rainy season (October-April).
i. Light watering of disturbed areas shall be performed, as needed, to reduce dust and control wind erosion during demolition and construction activities.
j. Install orange construction fencing between the creek and the silt fencing to discourage entry of equipment or construction workers into the creek.

18. **Silt Fencing Reinforcement.** Silt fencing placed between the creek and the sheet wall shall be reinforced by installing 2'x5' plywood sheets anchored behind the silt fencing and placed end to end. The extra support that the plywood provides would keep relatively large and heavy chunks of soil from pushing through or over the silt fencing during installation and removal of the sheet wall.

19. **Tag Trees for Removal**. A qualified arborist/botanist shall conduct a tree survey that includes tagging and recording the DBH, species, and location all trees to be removed.

20. **Tree replacement.**

a. The applicant shall replace blue gum trees proposed for removal with Monterey cypress (*Cupressus macrocarpa*) at a ratio of 4:1 (species replaced to species lost).
b. Incorporate the planting plan of the trees into the Site Restoration Plan.
c. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least three years or until the trees have successfully established as determined by the County's Environmental Coordinator.
d. The applicant shall prepare annual monitoring reports for the County that evaluates tree survivability and vigor.

7-35

e. The applicant shall verify in writing by a registered landscape architect, licensed landscaping contractor or certified nurseryman that the replacement trees will provide equal or better shade, screening, solar efficiency, or visual amenity within a ten-year period.

f. All trees planted as mitigation shall have a 100% survival rate after five years. If any trees planted as mitigation do not survive five years, the replacement mitigation trees shall also have a survival rate of 100% after five years from date of planting.

21. **Federal Endangered Species Act (FESA) Consultation Regarding Steelhead, Tidewater Goby, and California Red-Legged Frog (CRLF).**

a. The project applicant shall consult with the USFWS and NOAA Fisheries regarding the Federally listed steelhead, tidewater goby, and CRLF. As part of any Section 404 permitting application that may be required, the Corps would coordinate with the USFWS and NOAA Fisheries regarding possible impacts to the three species. Procedural recommendations of the USFWS shall be implemented.

b. The project applicant shall implement measures that minimize the project's adverse effects on steelhead, tidewater goby, and CRLF. Measures to reduce impacts to steelhead and tidewater goby in terms of water quality are listed in Section 4.9 Water Resources. Measures protecting CRLF within the Programmatic Biological Opinion regarding CRLF that covers all Nation Wide Permits shall be met.

c. Subject to concurrence by and coordination with USFWS, required measures may include the following:

1. At least 30 days prior to the onset of activities, the applicant or project proponent shall submit the name(s) and credentials of biologists who would conduct activities specified in the following measures. No project activities shall begin until proponents have received written approval from the USFWS that the biologist(s) is qualified to conduct the work.

2. A USFWS-approved biologist shall survey the work site two weeks before the onset of activities. If CRLF, tadpoles, or eggs are found, the approved biologist shall contact USFWS to determine if moving any of these life-stages is appropriate. In making this determination, USFWS shall consider if an appropriate relocation site exists. If USFWS approves moving animals, the approved biologist shall be allowed sufficient time to move CRLF from the work site before work activities begin. Only-USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF.

3. Before any construction activities begin on the project, a USFWS approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the importance of the CRLF and its habitat, the general measures that are being implemented to conserve the CRLF as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

4. A USFWS-approved biologist shall be present at the work site until such time as all removal of CRLF, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor the on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives training outlined above and in the identification of CRLF. The monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by USFWS during review of the proposed action. If work is stopped, USFWS, and the Corps as applicable, shall be notified immediately by the USFWS-approved biologist or on-site biological monitor.
5. During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas.
6. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or onsite drainages, or a lesser distance determined to be appropriate by the County, such that this equipment does not affect riparian habitat or drainages.
7. The permittee, and Corps as applicable, shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the permittee shall prepare and comply with a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
8. The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly
9. Chevron/Estero Marine Terminal Source Removal Project EIR demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the above measures.
10. To minimize the potential for direct impacts to dispersing individuals, work activities shall be completed in the dry season, between April 1 and November 1.

22. **Inadvertent CRLF Take Procedure.** Any project contractor or employee that inadvertently kills or injures a CRLF or who finds any such animal either dead or injured shall be required to report the incident immediately to a supervisor overseeing the project development. In the event that such observations are made of injured or dead CRLF, a project representative shall immediately notify the USFWS by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to USFWS for care, analysis, or disposition.

7-37

23. **Southern Pacific Pond Turtle (SPPT) and Two Striped Garter Snake (TSGS) Training Session and Preconstruction Surveys.**

a. In coordination with the training session regarding CRLF, all construction personnel shall also be informed of the description and habitat of SPPT and TSGS, the importance of these species and their habitat, and measures that are being implemented to conserve these species as they relate to the project.
b. Prior to the initiation of project activities, a survey, including capture and relocation efforts shall be conducted by a qualified biologist for any SPPT and TSGS encountered at that time.
c. The survey shall be conducted up to two weeks in advance of and during initial ground disturbing activities.
d. Designated areas approved by a qualified biologist in the immediate vicinity of the project site shall be identified for release of captured SPPT and TSGS.

24. **Vernal Pool Fairy Shrimp (VPFS) Sampling Surveys.**

a. Prior to project activity, protocol level sampling surveys shall be conducted in all potential VPFS habitat in areas identified in the EIR as potential habitat, and which may be disturbed by project activities.
b. The surveys shall be conducted using appropriate survey protocol developed by the USFWS with input by the CDFG.
c. A report consistent with current Federal, State, and local reporting regulations shall be prepared to document the methods and results of surveys. Should the presence of additional special-status wildlife species be determined including California linderiella, a map identifying locations in which special-status species were found shall be prepared.

25. **FESA Consultation and Mitigation Regarding VPFS.** In the event that VPFS are found onsite in locations in which excavation activities will Chevron/Estero Marine Terminal Source Removal Project EIR occur, take of the species would be unavoidable and the following mitigation measures shall apply:

a. If VPFS are found in locations such as areas proposed for soil stockpiles or equipment staging those activities shall be moved elsewhere onsite.
b. The project applicant shall consult with the USFWS regarding the Federally listed VPFS. As part of any Section 404 permit application that may be required, the Corps would coordinate with the USFWS regarding possible impacts to VPFS. Consultation may necessitate the issuance of a USFWS Biological Opinion and/or the preparation of a Habitat Conservation Plan for VPFS and their habitat.
c. Suitable replacement habitat shall be constructed either within the site boundaries or offsite.
d. VPFS mitigation areas shall be approved by a biologist familiar with VPFS habitat "creation" techniques.
e. Onsite seasonal freshwater wetland habitat that is undisturbed by project activities may be enhanced and included as a component of the SRP described in 22(1). Alternatively, fairy shrimp cysts could be collected during the dry season from the existing habitat and placed into storage. Topsoil could also be removed and stored in conditions suitable to retain cysts. After remediation of the oil plume, the wetland habitat could be recreated by grading depressions in the

landscape and using the preserved topsoil. Preserved cysts would be added to the recreated wetlands in December or January, after sufficient rainfall occurs to produce the likelihood of ponding that will continue for at least 31 days. VPFS habitat mitigation is still considered to be experimental. VPFS habitat mitigation is ambitious as it is costly, labor intensive, and difficult to ensure success. Habitat may be "created" only in an existing vernal pool landscape that provides suitable soils and a number of other specific ecological factors (USFWS, 2004).

26. **Pre-Construction Bird Survey.**

a. To avoid impacts to nesting special-status bird species and raptors, all initial ground-disturbing activities and tree removal shall be limited to the time period between September 1 and February 15. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active nests within the limits of grading shall be conducted by a qualified biologist at the site two weeks prior to any construction activities.

b. If active nests are located, all construction work must be conducted outside a buffer zone of 200 feet to 500 feet from the nests as determined in consultation with the CDFG. No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site.

c. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction.

CULTURAL and HISTORIC RESOURCES

27. **Cultural Resource Curation.** The cultural remains already recovered from the area shall be further processed and analyzed in the laboratory to recover the significant information they hold. Such analysis shall include taxonomic studies of faunal remains (marine shell, fish, terrestrial vertebrates), comparative analysis of beads and other formed tools, technological analysis of flaked and ground stone tools and debris, flotation and paleobotanical analysis of soil column samples, radiocarbon dating, and similar studies. When the project is complete the cultural remains from the site shall be curated permanently at a repository approved by the County, and the results of the studies shall be published in a technical report of findings available to the community at large.

28. **Monitoring for Unidentified Resources.**

a. A professional archaeologist familiar with the resources of the area and a Chumash representative qualified Chumash and Salinan representatives as stated in the Native American Heritage Commission Guidelines for Native American Monitors/Consultants shall monitor all earth disturbances within CA-SLO-879.

b. Prior to implementation, an archaeologist shall provide a cultural resource orientation to all construction personnel working at the site. The orientation will include a description of the kinds of cultural resources that might be encountered during construction and the steps to be taken if such a find is unearthed. In the event that intact cultural deposits are exposed during project implementation, the archaeological monitor shall have the authority to temporarily halt all work within

a 50-meter radius of the find. The find shall be evaluated and impacts mitigated as warranted. After the impacts have been appropriately mitigated work in the area may resume.

c. If human remains are found, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will than contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (e.g. avoidance, reburial).

GEOLOGIC HAZARDS

29. **Engineered Design.**

a. Design and construction of the sheetpile wall, dewatering area and equipment, all berms surrounding stockpile and overburden areas and all subgrades greater than five feet shall be engineered to withstand the expected ground movement that may occur at this site. The design shall take into consideration the soil type, potential for liquefaction, ground movement and the most current and applicable seismic attenuation methods that are available.

b. A California Professional Civil Engineer shall sign and stamp all grading and construction plans submitted for approval by the County of San Luis Obispo.

c. All previously mentioned on-site structures, including the sheetpile wall, shall comply with applicable provisions of the Uniform Building Code.

d. All grading activities shall conform to the County's Grading Ordinance.

30. **Engineer oversight and approval.** A certified geotechnical engineer shall oversee all soil compaction activities and approve all compaction testing and backfilling techniques. Base design and soil compaction design shall be consistent with Uniform Building Code and the County of San Luis Obispo Grading Ordinance Standards.

31. **Record of excavation sites**. After excavation is complete and prior to backfilling, the excavation areas shall be surveyed by a licensed surveyor to a known benchmark. The survey shall be recorded on the property title.

32. **Slope Stability Evaluation.**

a. A Geotechnical Engineer or Engineering Geologist shall assess the stability of the cut slope immediately south of the Tank 901 overburden stockpile area. This evaluation shall determine the potential for adverse soil stability and discuss appropriate setbacks or slope stabilization techniques.

b. All measures needed to ensure slope stability shall be implemented. Unstable slopes affecting the project shall be rendered stable (that is, by increasing the factor of safety to > 1.5 for static and > 1.1 for dynamic loads) by incorporating, but not necessarily being limited to, the following measures:

1. Eliminating the slope;
2. Removing any unstable soil and rock materials; or

7-40

3. Applying one or more appropriate slope stabilization methods (such as buttress fills, subdrains, soil nailing, crib walls, etc.)

33. **Stockpiles Setback From Slopes.** In the Overburden Stockpile Area south of the 1999 Pipeline Release Plume and east of the Control House Plume the toe of any stockpiles shall be set back from the slope to the north and northeast by at least five feet.

HAZARDS and HAZARDOUS MATERIALS

34. **Excavation Cover.**

a. The excavation shall be covered with visqueen-type plastic at the end of each work day in order to be protective to human and ecological health.
b. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH – nonpermeable barrier such as a plastic tarp. No headspace shall be allowed where vapors could accumulate. Clean soil must be segregated from contaminated soil.

35. **Work Plan Monitoring.** An independent onsite monitor selected by the County shall ensure the applicant implements the safety components of the proposed work plan as approved.

36. **Existing Onsite Soil Testing.**

a. Prior to the use of onsite sources for fill material the applicant shall conduct laboratory testing of all fill borrow source areas. This testing shall include sufficient sampling to confirm that onsite sources are acceptable for onsite use.
b. A soil testing plan shall be reviewed and approved by the County Environmental Health Department prior to its implementation.
c. In addition, proposed onsite fill materials, including but not limited to on the existing onsite soil east of Tank 901, the former borrow pit area, Tank 901 berm, and the ballast pond dikes, shall be field screen for staining, odor, and PID readings in accordance with Chevron's Contaminated Materials Management Plan prior to their use as backfill.

37. **Alternative Backfill Soil Sources.** If additional fill materials are needed, the applicant shall purchase commercial source that is certified as noncontaminated or test prior to use onsite.

38. **Off-Site Transport Safety Measures.**

a. The applicant shall transport excavated materials using routes approved by Caltrans and local authorities for this purpose, and shall provide the County Planning Department written verification of this prior to commencement of transport.
b. Applicant shall implement applicable state or local requirements in the event of unanticipated spill or discharge during transport of materials.

39. **Work Plan Monitoring.** An independent onsite monitor selected by the County shall ensure the applicant implements the safety components of the proposed work plan as approved.

40. **Documentation for Contamination Source.** The applicant shall definitively demonstrate through written documentation and analysis that the soils slated for removal or remediation constitute the source of the contamination. The intent of this measure is to ensure that additional future contamination does not occur from leakage from a location not included in this effort, such that it re-migrate into the area where potential development could be considered in the future.

PUBLIC SERVICES

41. **Reduction of Potential Fire Safety Impacts.**

a. Internal combustion engines shall be in compliance with Public Resources Code, Section 4442, which specified spark arrester requirements.
b. Grinding, welding and cutting torch activities shall be in compliance with Public Resources Code, Section 4427, which specifies clearance and fire suppression tool requirements.

TRAFFIC AND CIRCULATION

42. **Construction Truck Safety.** The following measures shall be required to ensure, to the extent possible, that truck/bicycle conflicts are minimized:

a. The applicant shall develop and implement a construction traffic management plan. The plan shall include a sign and/or informational component to notify motorists of the truck traffic on SR 1 south of the site on the days when trucks will be hauling.
b. The applicant shall ensure that truck loads are covered.
c. The applicant shall inspect and maintain truck safety equipment.

43. **Minimize Potential Vehicle Conflicts.**

a. All hauling trucks exiting the project site shall be restricted to right-turn movements only. Under the existing driveway configuration, hauling trucks would partially need to use the northbound number 1 travel lane to complete the right-turn movement without running off the pavement. As such, the driveway throat shall be widened to 30 feet and the curb return radius shall be increased to a minimum of 30 feet to provide sufficient pavement to allow trucks to turn right into the northbound number 2 travel lane.
b. When hauling occurs, construction traffic signs warning motorists of slow truck traffic shall be placed on the route south of the project site.

44. **Internal Truck Route Widening.** Sufficient roadway width shall be provided along each individual hauling route to facilitate truck movements.

WATER RESOURCES

45. **Storm Water Pollution Prevention Plan.**

a. The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the

project site.

b. A Notice of Intent to comply with the General Construction Activities Storm Water Permit (General Permit) shall be submitted to the SWRCB at least two weeks prior to initiation of ground disturbing activities.

c. The SWPPP shall include specific BMPs to control the discharge of material from the site. BMP methods may include, but would not be limited to, the use of temporary detention basins, straw bales, sand bagging, mulching, erosion control blankets, silt fencing, and soil stabilizers.

d. The SWPPP shall be prepared in accordance with the guidelines adopted by the State Water Resources Control Board (SWRCB).

46. **Backfill and Grading Plan.**

a. The Uniform Building Code requires the establishment of a firm and unyielding base prior to backfilling excavations. A backfill plan shall be developed to stabilize the lower section of the excavation due to the presence of saturated soils and ground water at the base of the proposed excavations.

b. A grading plan shall be developed to match the surrounding topography around the Control House, 1999 Pipeline Release area, and cutter stock sump. This will reduce the increase infiltration of rain and reduce surface runoff over existing conditions, the re-establishment of the natural topography and restoration with vegetation shall occur.

47. **Environmental Monitor.** The applicant shall have an environmental monitor walk the access route once every two hours during field work to inspect the staging area for any spills to unlined areas. Any spills noted will be cleaned immediately, and the cause identified and remedied.

48. **Spill Response Equipment.** The contractor shall have adequate spill response equipment and qualified personnel onsite to respond to any emergency contamination situation.

49. **Backfill Material Covering.** Backfill material intended for use, once determined to be acceptable through testing according to Mitigation Measure H-2(a), shall be covered prior to heavy rain events to prevent erosion and potential contamination to this source of backfill.

Recycle and Reuse Plan

50. Prior to issuance of a grading permit the applicant shall prepare a recycling and reuse plan and submit it to the County of San Luis Obispo Public Works. The plan shall include methodologies to attain the 50 percent recycling requirements.

Mitigation Monitoring

51. Prior to issuance of a construction permit for each phase, the applicant shall submit a monitoring program (or environmental quality assurance plan) subject to approval by the appropriate jurisdictional authorities (e.g. County of San Luis Obispo Department of Planning and Building; Air Pollution Control District; RWQCB). The monitoring plan shall include the following:

□ Designation of the Applicant's environmental monitor.

7-43

- ☐ County, state and federal permit conditions and method of compliance.
- ☐ Schedule of monitoring during construction.
- ☐ Chain of command of the environmental monitoring.
- ☐ Training program for all construction crew members.
- ☐ Submittal of weekly monitoring reports (unless otherwise directed by the Department) during construction and preparation of a completion report after construction as well as other monitoring documentation requirements specified in the individual measures contained in the Final EIR.
- ☐ County Environmental monitor has full authority to stop work in the event of non-compliance with the conditions of this approval.
- ☐ Submittal of annual reports and completion report indicating compliance with conditions conducted following completion of construction activities.
- ☐ Provisions for access to the site.

52. Prior to application for a construction permit, the applicant shall provide funding for retention of a County Environmental Monitor. This monitor shall be responsible for verifying that all Applicant-sponsored monitoring conforms to the requirements of the Final EIR and any other County Conditions of Approval. The County Environmental Monitor will be the liaison between the County of San Luis Obispo Environmental Coordinator and the Applicant and the Applicant's environmental monitors.

7-44

EXHIBIT C

TO: PLANNING COMMISSION

FROM: JAMES CARUSO, SENIOR PLANNER

DATE: FEBRUARY 9, 2005

SUBJECT: Submittal of CEQA Required Findings for Chevron/Estero Marine Terminal Source Removal Project

I. PROJECT DESCRIPTION

Chevron Pipe Line Company (Chevron) operates the approximately 2,200-acre Estero Marine Terminal site at Estero Bay. Of the 2,200 acres, approximately 25 acres were developed as part of the "Shore Plant", and approximately 235 acres were developed as part of the "Hill Plant". The goal of the proposed project, known as the Chevron/Estero Marine Terminal Source Removal Project, is to improve ground water quality by removing separate-phase petroleum hydrocarbons from three designated plume areas at the Shore Plant area of the Estero Marine Terminal. The proposed project implements the requirements of the Regional Water Quality Control Board, Central Coast Region (RWQCB), and is intended to comply with State Water Resources Control Board (SWRCB) Order No. 2002-0002. The proposed project is a required step in the remediation of the Shore Plant area.

The recommended version of the project is called the Revised Project Alternative. It is similar to the originally proposed project described in Section 2.0 of the Final EIR, except that it would relocate the Equipment Staging and Overburden Stockpile Area and the Soil Dewatering Area from the central portion of the site to the northeastern portion of the site (just south of the Ballast Ponds), and add a Stockpile Staging Area west of the Cutter Stock Sump Plum. In addition, this alternative would reduce the length of the Access Road Improvement Area located east of the 1999 Pipeline Release Plume and would remove the Access Road Improvement Area located north of Tank 901. Otherwise, the total amount of soil material excavation and truck trips would be the same as with the proposed project.

This description of the Revised Project Alternative is found on pages 6-12 through 6-15 of the Final Environmental Impact Report (EIR). The following findings are based on this Revised Project description.

The project and alternatives are described in more detail in the Chevron/Estero Marine Terminal Source Removal Project Final EIR, and Appendices thereto, and the staff report accompanying these findings.

The County of San Luis Obispo circulated copies of the Notice of Preparation (NOP) for the proposed project on December 29, 2003, to all Responsible/Trustee Agencies and interested groups and individuals stating that a Draft Environmental Impact Report would be prepared.

7-45

Subsequent to the public review of the Notice of Preparation, the County of San Luis Obispo internally reviewed "administrative" copies of the Draft EIR. Upon completion of the review, copies of the Draft EIR were forwarded to all Responsible/Trustee Agencies and interested groups and individuals.

The State-mandated public review of the Draft EIR began on September 9, 2005 and ended on October 24, 2005. The Final EIR includes a Response to Comments package (Section 8.0 of the Final EIR), which presents all written comments received during the public review period of the Draft EIR, and includes related changes made to the Draft EIR.

The Final EIR addressed the following alternatives to the proposed Chevron/Estero Marine Terminal Source Removal Project:

1. The "No Project" Alternative
2. Full Excavation
3. Alternate Remediation Methods
4. Revised Project

Based upon information contained in the EIR and comments from the public and involved public agencies, the County Planning and Development staff has prepared tentative findings which recommend adoption of the Revised Project Alternative (Project Alternative 4). This recommended project is described in more detail in the Chevron/Estero Marine Terminal Source Removal Project Final EIR, and Appendices thereto, and the staff report accompanying these findings. This recommended project alternative also provides the basis for the following Findings of Fact.

II. THE RECORD

For the purposes of CEQA and the Findings IV-V, the record of the Planning Commission relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission during the public hearing on the project.

2. The Chevron/Estero Marine Terminal Source Removal Project Final EIR, circulated in September 2005.

3. The Chevron/Estero Marine Terminal Source Removal Project application and supporting materials.

4. The Chevron/Estero Marine Terminal Source Removal Project Staff Report prepared for the Planning Commission.

TABLE OF CONTENTS

5. Matters of common knowledge to the Commission which it considers, such as:

   a. The County General Plan, including the land use maps and elements thereof;
   b. The text of the Land Use Element;
   c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
   d. The County of San Luis Obispo Environmental Quality Act Guidelines;
   e. The County Annual Resources Summary Report;
   f. The Clean Air Plan;
   g. The SLO County Public Facilities Financing Plan;
   h. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
   i. Additional documents referenced in the Final EIR for the Chevron/Estero Marine Terminal Source Removal Project.

III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Planning Commission certifies the following with respect to the Chevron/Estero Marine Terminal Source Removal Project Final EIR:

A. The Planning Commission has reviewed and considered the Chevron/Estero Marine Terminal Source Removal Project Final EIR.

B. The Final Environmental Impact Report for the Chevron/Estero Marine Terminal Source Removal Project has been completed in compliance with the California Environmental Quality Act.

C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Planning Commission, and the Planning Commission has reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the Chevron/Estero Marine Terminal Source Removal Project.

D. The Chevron/Estero Marine Terminal Source Removal Project Final EIR reflects the independent judgment of the Planning Commission, acting as the lead agency for the project.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.

A. AIR QUALITY (Class III)

Impact AQ-1: The proposed project has the potential to generate construction related emissions with implementation of the source removal program including excavation, soil remediation, soil hauling, and backfilling. These emissions would not exceed recommended ozone precursor or PM_{10} significance thresholds. Since San Luis Obispo County is currently non-attainment for PM_{10}, the project would contribute to this existing condition. This is considered a Class III, *less than significant* impact.

a. **Mitigation** - None determined needed. However, the following mitigation measures are included to ensure that emissions remain less than significant:

AQ-1(a) Application of CBACT. The following measures shall be implemented to reduce combustion emissions from equipment.

- The project applicant shall submit for review by the County Planning and APCD staff a grading plan showing the area to be disturbed and a description of equipment that will be used and pollution reduction measures that will be implemented. Upon confirmation by County Planning and APCD, appropriate CBACT features shall be applied.
- The project applicant shall be required to ensure that all equipment and portable engines is properly maintained and tuned according to manufacturer's specifications.
- The project applicant shall be required to ensure that off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with CARB motor vehicle diesel fuel (non-taxed off-road diesel is acceptable).
- The project applicant shall be required to install a diesel oxidation catalyst on each of the two pieces of equipment projected to generate the greatest emissions. Installations must be prepared according to manufacturer's specifications.
- The project applicant shall maximize, to the extent feasible, the use of diesel construction equipment meeting CARB's 1996 and newer certification standard for off-road heavy-duty diesel engines
- The applicant shall minimize diesel engine idling to a maximum of five minutes.

AQ-1(b) Dust Control. The following measures shall be implemented to reduce PM10 emissions during project activities:

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible.
- All dirt-stock-pile areas shall be sprayed daily as needed.
- Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- All areas intended for paving should be completed as soon as possible.

- Vehicle speed shall not exceed 15 mph on any unpaved surface at the site.
- All trucks hauling dirt, sand, soil or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

AQ-1(c) Cover Stockpiled Soils. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be covered by a tarp from the point of origin. Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal. Covered piles shall be designated in such a way to eliminate erosion due to wind or water; no openings in the covers are permitted.

AQ-1(d) Dust Control Monitor. The contractor shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

b. **Findings** - Insignificant.

c. **Supportive Evidence** – Construction-related emissions would not exceed recommended ozone precursor or PM_{10} significance thresholds. Please also refer to pages 4.1-6 through 4.1-9, as well as page 6-16, of the Final EIR.

Impact AQ-3: Short-term mobile emissions associated with the proposed project would incrementally increase carbon monoxide (CO) concentrations. However, because no exceedence of state or federal CO standards is anticipated, such impacts are considered Class III, less than significant.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** – Short-term mobile emissions would not exceed state or federal CO standards. Also please refer to pages 4.1-12 and 6-16 of the Final EIR.

Impact AQ-4: The proposed project would be considered consistent with the San Luis Obispo APCD's 2001 Clean Air Plan. This impact is Class III, less than significant.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** – The proposed project does not include residential land uses; therefore, it would be consistent with CAP population projections. In addition, there would be no increase in the rate of vehicle miles traveled more than the rate of population growth in the area. The project will implement the discretionary clean vehicle measures through mitigation measure AQ-1(a) above. Therefore, the proposed project will be consistent with CAP.

Impact AQ-5: The project site may generate potentially short term objectionable odors, but such impacts are considered Class III, less than significant.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** – During the excavation and remediation of petroleum-hydrocarbon contaminated soil, offgassing could potentially cause objectionable odor. However, the closest residential neighborhood is to the south in Morro Bay along Panorama Drive that abuts the marine terminal property approximately 2000 feet away and to the north in Cayucos along Cheney Road which abuts the marine terminal property approximately 2000 feet away. The wind in the fall typically allows an occasional reversal to a weak offshore flow. The proposed remediation is estimated to be completed in a 90-to-120 day period. Based on the distance to the closest sensitive receptor, the offshore wind, and the short remediation time, the potential for odors to impact nearby sensitive receptors is considered less than significant. Also please refer to pages 4.1-13 and 6-18 of the Final EIR.

B. CULTURAL RESOURCES (Class III)

Impact CR-3: Demolition of historic period buildings and structures within the shore plant could impact significant architectural remains and other historical features of the Estero Marine Terminal. This is considered a Class III, *less than significant*, impact.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** – Please refer to pages 4.3-14 and 4.3-15, as well as pages 6-22 and 6-23, of the Final EIR.

Impact CR-5: Ground disturbance under the proposed project would have a low probability of disturbing or destroying unknown paleontological resources. This is considered a Class III, *less than significant*, impact.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** – Please refer to pages 4.3-16, 4.3-17 and 6-23 of the Final EIR.

C. LAND USE (Class III)

Impact LU-1: The proposed project may conflict with certain adopted County or State land use plans, policies, or regulations. However, the final determination of consistency must be made by the regulatory agencies in question.

a. **Mitigation** - None determined needed.

b. **Findings** - The final determination of consistency must be made by the regulatory agencies in question.

c. **Supportive Evidence** – Please refer to pages 4.10-4 through 4.10-19, as well as pages 6-38 and 6-39, of the Final EIR.

D. NOISE (Class III)

Impact N-1: Activities associated with the source removal action could intermittently generate nuisance noise levels at the nearest sensitive receptors. This is considered a Class III, *less than significant* impact.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - Please refer to pages 4.6-7, 4.6-8 and 6-31 of the Final EIR.

Impact N-2: Project-generated traffic would incrementally increase noise levels on roadways in the project vicinity during the 3 to 4 month construction period. However, because the change in the average daily noise levels would not be noticeable, this impact is considered Class III, *less than significant.*

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

d. **Supportive Evidence** - Please refer to pages 4.6-8, 4.6-9, 6-31 and 6-32 of the Final EIR.

E. PUBLIC SERVICES (Class III)

Impact PS-1: Emergencies during remediation activities could increase demand for police, fire, and emergency services. This is considered a Class III, *less than significant impact.*

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - Please refer to pages 4.7-2, 4.7-3 and 6-32 of the Final EIR.

F. TRAFFIC AND CIRCULATION (Class III)

Impact T-1: Project operation would increase traffic levels on the local circulation system, but would not significantly affect any of the study area intersections based on County of San Luis Obispo's criteria. Therefore, impacts are considered Class III, *less than significant.*

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - Please refer to pages 4.8-6 and 6-33 of the Final EIR.

Impact T-4: Trucks used to transport materials to and from the site would use existing left-turn pockets on SR 1 for ingress and egress. Given the amount of truck trips required and the length of existing left-turn pockets, impacts are considered Class III, less than significant.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - Please refer to pages 4.8-10 and 6-35 of the Final EIR.

G. WATER RESOURCES (Class III)

Impact W-5: A failure of the long-term ground water monitoring program could allow undetected petroleum hydrocarbon to contaminate the ground water. This is considered a Class III, *less than significant,* impact.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - Please refer to pages 4.9-9 and 6-38 of the Final EIR.

D. CUMULATIVE ISSUES (Class III)

Biological Resources - Implementation of the proposed project would contribute to the cumulative loss of sensitive habitats and species within the County of San Luis Obispo. Although the identified impacts include the loss of approximately 1 acre of sensitive plant communities and

3 7-57

the potential loss of special-status wildlife species and their habitats, these losses would be temporary in nature. The active restoration plan would restore native habitats of better quality to the site after the proposed project is completed.

The proposed project does not expand urban areas into natural habitat. Additionally, no portion of the site is currently proposed as open space within urban habitat, nor are there any proposed projects in the near future that would isolate portions of the site. After the project is completed an SRP developed as a part of the project execution plan shall be implemented (see Appendix C Project Execution Plan). The plan shall include revegetation of the disturbed project areas, and the enhancement of areas disturbed by the past activities of the Shore Plant. Therefore, the quality of the site should be improved compared to current conditions. Cumulative biological impacts associated with the proposed project would be Class III, *less than significant.*

Cultural Resources - Implementation of the proposed project in conjunction with buildout of San Luis Obispo County has the potential to cumulatively impact archeological, historical and paleontological resources. Existing General Plan policies are intended to fully protect known archaeological resources on a project-by-project basis. Because cultural resource impacts associated with this project would be mitigated to less than significant as outlined above and other projects in the County would be mitigated on a project-by-project basis, cumulative impacts are considered *Class III, less than significant.*

Geologic Hazards - In the long-term, the proposed project would not expose additional people or structures to geologic hazards, and therefore would not contribute to cumulative impacts associated with development projects in the general vicinity, including those in Morro Bay and the Cayucos area. Impacts are considered to be Class III, *less than significant.*

Hazards and Hazardous Materials - The proposed project would remove or remediate an existing hazard, thus reducing the potential for exposure to area residents in the long-term. Once completed, the potential for cumulative impacts with regard to expose to hazards would be reduced in comparison to the current condition. Long-term cumulative impacts, when other projects within the region are considered, would be less than significant, provided that other projects are required to mitigate for their individual risk potential.

Noise - Cumulative traffic increases associated with future development in the area from north Morro Bay to Cayucos would incrementally increase noise levels along area roadways. It is expected that the project would be completed in a 3-4 month period after which time there would be no additional vehicular noise sources associated with the project. Thus, the project's long-term contribution to the cumulative noise environment would be less than significant.

Public Services - The project does not involve the development of new structures or any activities that would increase the demand for fire, emergency, or police services. Therefore the project would not have a cumulative impact on these services.

Traffic and Circulation - The proposed project, in combination with cumulative development along State Route 1 between Morro Bay and Cayucos, would temporarily contribute to an increase in traffic volumes on area roadways. The Traffic and Circulation Study prepared by ATE in

September 2004 evaluated traffic impacts on County roadways under existing and existing + project conditions. The addition of project-related traffic to area roadways would not exceed County LOS thresholds. In addition, the proposed project is scheduled to be completed in 3 to 4 months, after which the site would be vacant and would not generate any post-project traffic. Given the short-term nature of the proposed project, it would not generate any cumulative impacts.

Air Quality - In San Luis Obispo County, impact thresholds have been established to assess a project's effect on the regional air quality. A project that does not exceed County thresholds and is consistent with the 1991 Air Quality Attainment Plan and the Clean Air Plan is considered to have a less than significant cumulative impact on the airshed. The project will further decommission the facility and remove hydrocarbon-containing soil, which results in a substantial reduction in these emissions. Therefore, long-term impacts are considered beneficial.

Water Resources - Project activities in the short-term would potentially increase sedimentation and concentration of contaminants such as oil, grease, and solvents in surface runoff. However, in the long-term, the proposed project would eliminate the contamination onsite, and therefore not contribute to cumulative impacts associated with surface and ground water in the general vicinity. Therefore, long-term cumulative impacts may be considered beneficial (Class IV).

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - Please refer to pages ES-32 and ES-33 of the Final EIR.

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

A. AIR QUALITY (Class II)

Impact AQ-2: The project requires the demolition of existing structures that could result in the release of lead based paint or asbestos containing materials. This impact would be considered Class II, *significant but mitigable.*

a. Mitigation - The following mitigation measures are required:

AQ-2(a). Asbestos Sampling and Supervision. Prior to demolition work, areas of the structures to be demolished shall be sampled as part of an asbestos survey in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP). If asbestos is found in any building, asbestos-related work, including demolition, involving 100 square feet or more of asbestos containing materials (ACMs) shall be performed by a licensed asbestos abatement contractor under the

supervision of a certified asbestos consultant and asbestos shall be removed and disposed of in compliance with applicable State laws. Regardless of whether asbestos is identified in any building, prior to demolition of existing structures the APCD shall be notified and an APCD Notification of Demolition and Renovation Checklist shall be submitted to both APCD and the County Planning Department.

AQ-2(b). Lead-Based Paint Management. If during demolition of on-site structures paint is separated from the building material (e.g. chemically or physically), the paint waste will be evaluated independently from the building material by a qualified hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed in accordance with local, state and federal regulations. According to the Department of Toxic Substances Control (DTSC), if paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as construction debris (a non-hazardous waste). The landfill operator will be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.1-11 and 6-16, as well as the Air Quality setting section, of the Final EIR.

Impact AQ-6: The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board. As such, impacts are considered Class II, *significant but mitigable.*

a. Mitigation - The following mitigation measure is required:

AQ-6(a). Naturally Occurring Asbestos Determination. Prior to any grading activities at the site, a qualified geologist shall be retained by the applicant for the purpose of determining if serpentine rock is present. Grading or earth movement in serpentine rock larger than 1 acre will require prior APCD approval of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program (as described in the California ARB Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations). If naturally occurring asbestos is not present, an exemption form must be filed with the APCD.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.1-14 and 6-18 of the Final EIR.

B. BIOLOGICAL RESOURCES (Class II)

Impact B-1: Proposed project activities would affect riparian and wetland habitat, decrease vegetative cover, and increase erosion potential in excavated areas. This is considered a Class II, *significant but mitigable* impact.

a. Mitigation - The following mitigation measures are required:

B-1(a) Riparian and Wetland Protection. The applicant shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, a water quality certification from the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act, and a Streambed Alteration Agreement from the California Department of Fish and Game pursuant to Section 1600 et seq. of the California Fish and Game Code for any grading or fill activity within drainages and wetlands and trimming/removal of riparian vegetation. It is recommended that the applicant contact these agencies prior to final plan submittal in order to incorporate any additional requirements into the project design.

As part of the permitting process, the applicant will be required to provide a compensatory habitat creation/restoration program to mitigate impacts to jurisdictional areas. The plan shall be written and implemented by a biologist familiar with restoration and mitigation techniques. Compensatory mitigation shall occur on-site using regionally collected native plant material at a minimum ratio of 2:1 (habitat created to habitat impacted). The CDFG and RWQCB may require a higher mitigation ratio.

The plan shall include, but not be limited to the following components:

1) Description of the project/impact site (i.e.: location, responsible parties, jurisdictional areas to be filled/impacted by habitat type);
2) goal(s) of the compensatory mitigation project (type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved, specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved);
3) description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
4) implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
5) maintenance activities during the monitoring period (activities, responsible parties, schedule);
6) monitoring plan for the compensatory mitigation-site (performance standards, target functions and values, target hydrological regime, target jurisdictional and

non-jurisdictional acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);

7) completion of compensatory mitigation (notification of completion, agency confirmation); and
8) contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

B-1(b) Site Restoration Plan. The **SRP** that is a part of the proposed project plan for the site shall be revised by the following measures:

1. The plan shall include the above described riparian and wetland restoration plan as a major component.
2. The quantity of all habitats that will be impacted and the amount that will be revegetated shall be specified.
3. Mitigation areas shall be clearly identified.
4. Hydroseeding, hand seeding, or container stock revegetation of all cleared, grubbed, and bare areas shall be completed no later than October. Any areas in which steep slopes are located (such as along the creek after the sheet pile wall is removed) shall include additional erosion controls such as a loose weave straw matting installed per manufacturer's specifications immediately after any seeding activities. Loose straw alone shall not be sufficient to stabilize steep slopes. All erosion control and restoration plant material shall be from native locally collected stock (from west side of Coast Ranges between Cambria and Montana De Oro State Park).

W-1(b) Erosion and Sedimentation Control Plan (ESCP). An ESCP shall be prepared for project activities, and incorporated into contract specifications. The ESCP should include the project design, existing site conditions, soil characteristics, critical areas (high erosion and deposition potential, encompassing the excavation, dewatering and borrow areas, as well as the sheetpile installation area near the creek), erosion and sediment control measures, maintenance measures, maps (showing existing and final contours, existing vegetation, soils, existing and final drainage patterns based on the grading plan), limits of clearing and grading, an erosion control planting plan, and a stormwater management system. The plan will include, but not be limited to, the following measures to reduce water and wind erosion of exposed soils:

(1) Ground-disturbing activities, including grading, should be performed during dry weather to reduce water erosion. Activities should cease within 2 days of forecasted rain events.
(2) Graded areas should be clearly marked and no equipment or vehicles should disturb slopes or drainages outside of the grading area.
(3) Areas used to stockpile fill should be graded to disperse water.
(4) Silt fences and/or hay bales should be placed along the bank of channels to trap sediments prior to entry into the surface water system.
(5) Silt fences and/or hay bales should be placed at the toe of fill slopes to contain sediments prior to stabilization.

(6) Use of temporary erosion control measures to reduce erosion potential of disturbed soils or stockpiles not be re-worked for extended periods. These measures may include the use of straw, jute netting, hydroseeding, or straw mats to protect soils from erosion.
(7) During and after construction, inspection and maintenance should be performed to identify and repair areas of concentrated runoff and sediment transport.
(8) Implement a planting plan designed to provide temporary and permanent vegetative cover of exposed soils to minimize erosion. Exposed soils should be hydroseeded immediately upon completion of ground-disturbing activities, and allowed sufficient time to establish prior to the rainy season (October-April).
(9) Light watering of disturbed areas should be performed, as needed, to reduce dust and control wind erosion during demolition and construction activities.
(10) Install orange construction fencing between the creek and the silt fencing to discourage entry of equipment or construction workers into the creek.

W-1(d) Silt Fencing Reinforcement. Silt fencing placed between the creek and the sheet wall shall be reinforced by installing 2'x5' plywood sheets anchored behind the silt fencing and placed end to end. The extra support that the plywood provides would keep relatively large and heavy chunks of soil from pushing through or over the silt fencing during installation and removal of the sheet wall.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.2-18, 4.2-19, 6-19, and 6-20, as well as the Biological Resources setting section of the Final EIR.

Impact B-2: Proposed project activities would remove five trees protected by the Coastal Zone Land Use Ordinance. This is considered a Class II, *significant but mitigable* impact.

a. Mitigation - The following mitigation measures are required:

B-2(a) Tag Trees for Removal. A qualified arborist/botanist shall conduct a tree survey that includes tagging and recording the DBH, species, and location all trees to be removed.

B-2(b) Tree Replacement. Replace blue gum trees proposed for removal with Monterey cypress (*Cupressus macrocarpa*) at a ratio of 4:1 (species replaced to species lost). Incorporate the planting plan of the trees into the SRP described in B-1(b). Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least three years or until the trees have successfully established as determined by the County's Environmental Coordinator. Annual monitoring reports will be prepared for the County that evaluates tree survivability and vigor. Verify in writing by a registered landscape architect, licensed landscaping contractor or certified nurseryman that the replacement trees will provide equal or better shade, screening, solar efficiency, or visual amenity within a ten-year period.

All trees planted as mitigation shall have a 100% survival rate after five years. If any trees planted as mitigation do not survive five years, the replacement mitigation trees shall also have a survival rate of 100% after five years from date of planting.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.2-22, 6-2, and the Biological Resources setting section of the Final EIR.

Impact B-3: Proposed project activities could potentially impact special-status wildlife species and their habitats. This is considered a Class II, *significant but mitigable* impact.

a. Mitigation - The following mitigation measures are required:

B-3(a) FESA Consultation Regarding Steelhead, Tidewater Goby, and CRLF. The project applicant shall consult with the USFWS and NOAA Fisheries regarding the Federally listed steelhead, tidewater goby, and CRLF. As part of any Section 404 permitting application that may be required, the Corps would coordinate with the USFWS and NOAA Fisheries regarding possible impacts to the three species. Procedural recommendations of the USFWS shall be implemented. The project applicant shall implement measures that minimize the project's adverse effects on steelhead, tidewater goby, and CRLF. Measures to reduce impacts to steelhead and tidewater goby in terms of water quality are listed in Section 4.9 Water Resources. Measures protecting CRLF within the Programmatic Biological Opinion regarding CRLF that covers all Nation Wide Permits shall be met. Subject to concurrence by and coordination with USFWS, required measures may include the following:

- At least 30 days prior to the onset of activities, the applicant or project proponent shall submit the name(s) and credentials of biologists who would conduct activities specified in the following measures. No project activities shall begin until proponents have received written approval from the USFWS that the biologist(s) is qualified to conduct the work.
- A USFWS-approved biologist shall survey the work site two weeks before the onset of activities. If CRLF, tadpoles, or eggs are found, the approved biologist shall contact USFWS to determine if moving any of these life-stages is appropriate. In making this determination, USFWS shall consider if an appropriate relocation site exists. If USFWS approves moving animals, the approved biologist shall be allowed sufficient time to move CRLF from the work site before work activities begin. Only- USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF.
- Before any construction activities begin on the project, a USFWS-approved biologist shall conduct a training session for all construction personnel. At a

minimum, the training shall include a description of the CRLF and its habitat, the importance of the CRFL and its habitat, the general measures that are being implemented to conserve the CRLF as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

- A USFWS-approved biologist shall be present at the work site until such time as all removal of CRLF, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor the on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives training outlined above and in the identification of CRLF. The monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by USFWS during review of the proposed action. If work is stopped, USFWS, and the Corps as applicable, shall be notified immediately by the USFWS-approved biologist or on-site biological monitor.
- During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas.
- All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or onsite drainages, or a lesser distance determined to be appropriate by the County, such that this equipment does not affect riparian habitat or drainages. The permittee, and Corps as applicable, shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the permittee shall prepare and comply with a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the above measures.
- To minimize the potential for direct impacts to dispersing individuals, work activities shall be completed in the dry season, between April 1 and November 1.

B-3(b) Inadvertent CRLF Take Procedure. Any project contractor or employee that inadvertently kills or injures a CRLF or who finds any such animal either dead or injured shall be required to report the incident immediately to a supervisor overseeing the project development. In the event that such observations are made of injured or dead CRLF, a project representative shall immediately notify the USFWS by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date,

time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to USFWS for care, analysis, or disposition.

B-3(c) SPPT and TSGS Training Session and Preconstruction Surveys. In coordination with the training session regarding CRLF, all construction personnel shall also be informed of the description and habitat of Southern Pacific Pond Turtle (SPPT) and Two-Striped Garter Snake (TSGS), the importance of these species and their habitat, and measures that are being implemented to conserve these species as they relate to the project.

Prior to the initiation of project activities, a survey, including capture and relocation efforts shall be conducted by a qualified biologist for any SPPT and TSGS encountered at that time. The survey shall be conducted up to two weeks in advance of and during initial ground disturbing activities. Designated areas approved by a qualified biologist in the immediate vicinity of the project site shall be identified for release of captured SPPT and TSGS.

B-3(d) VPFS Sampling Surveys. Prior to project activity, protocol level sampling surveys shall be conducted in all potential Vernal Pool Fairy Shrimp (VPFS) habitat in areas identified in the EIR as potential habitat, and which may be disturbed by project activities. The surveys shall be conducted using appropriate survey protocol developed by the USFWS with input by the CDFG. A report consistent with current Federal, State, and local reporting regulations shall be prepared to document the methods and results of surveys. Should the presence of additional special-status wildlife species be determined including California linderiella, a map identifying locations in which special-status species were found shall be prepared.

B-3(e) FESA Consultation and Mitigation Regarding VPFS. In the event that VPFS are found onsite in locations in which excavation activities will occur, take of the species would be unavoidable and the following mitigation measures shall apply. If VPFS are found in locations such as areas proposed for soil stockpiles or equipment staging those activities shall be moved elsewhere onsite. The project applicant shall consult with the USFWS regarding the Federally listed VPFS. As part of any Section 404 permit application that may be required, the Corps would coordinate with the USFWS regarding possible impacts to VPFS. Consultation may necessitate the issuance of a USFWS Biological Opinion and/or the preparation of a Habitat Conservation Plan for VPFS and their habitat. Suitable replacement habitat shall be constructed either within the site boundaries or offsite. VPFS mitigation areas shall be approved by a biologist familiar with VPFS habitat "creation" techniques. Onsite seasonal freshwater wetland habitat that is undisturbed by project activities may be enhanced and included as a component of the SRP described in BIO-1(b). Alternatively, fairy shrimp cysts could be collected during the dry season from the existing habitat and placed into storage. Topsoil could also be removed and stored in conditions suitable to retain cysts. After remediation of the oil plume, the wetland habitat could be recreated by grading depressions in the landscape and using the preserved topsoil. Preserved cysts would be added to the recreated wetlands in

December or January, after sufficient rainfall occurs to produce the likelihood of ponding that will continue for at least 31 days.

VPFS habitat mitigation is still considered to be experimental. VPFS habitat mitigation is ambitious as it is costly, labor intensive, and difficult to ensure success. Habitat may be "created" only in an existing vernal pool landscape that provides suitable soils and a number of other specific ecological factors (USFWS, 2004).

B-3(f) Pre-Construction Bird Survey. To avoid impacts to nesting special-status bird species and raptors, all initial ground-disturbing activities and tree removal shall be limited to the time period between September 1 and February 15. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active nests within the limits of grading shall be conducted by a qualified biologist at the site two weeks prior to any construction activities. If active nests are located, all construction work must be conducted outside a buffer zone of 200 feet to 500 feet from the nests as determined in consultation with the CDFG. No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.2-23, 6-21, and the Biological Resources setting section of the Final EIR.

C. CULTURAL RESOURCES (Class II)

Impact CR-1: There is potential that excavation of petroleum saturated soils will disturb both known and previously unidentified archaeological deposits and /or human remains. This is considered a Class II, *significant but mitigable*, impact.

a. **Mitigation** – The following mitigation measures are required:

The applicant team prepared an Environmental Impact Assessment to address potential impacts on cultural resources (among other impacts) caused by the Source Removal Project. This analysis included 10 proposed actions to avoid, minimize, reduce or compensate for impacts to cultural resources on the site.
The mitigation measure required below represents a critical evaluation of the applicant's proposed mitigation approach.

CR-1(a) Cultural Resource Curation. The cultural remains already recovered from the area be further processed and analyzed in the laboratory to recover the significant information they hold. Such analysis should include taxonomic studies of faunal remains (marine shell, fish, terrestrial vertebrates), comparative analysis of beads and

other formed tools, technological analysis of flaked and ground stone tools and debris, flotation and paleobotanical analysis of soil column samples, radiocarbon dating, and similar studies. When the project is complete the cultural remains from the site should be curated permanently at a repository approved by the County, and the results of the studies should be published in a technical report of findings available to the community at large.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.3-12, 4.3-13, 6-22, and the Cultural Resources setting section of the Final EIR.

Impact CR-4: Previously unidentified cultural resources, including human remains, could be exposed during project implementation. This is considered a Class II, *significant but mitigable*, impact.

a. Mitigation - The following mitigation measure is required:

CR-4(a) Monitoring for Unidentified Resources. A professional archaeologist familiar with the resources of the area and qualified Chumash and Salinan representatives as stated in the Native American Heritage Commission Guidelines for Native American Monitors/Consultants shall monitor all earth disturbances within CA-SLO-879. Prior to implementation, an archaeologist shall provide a cultural resource orientation to all construction personnel working at the site. The orientation will include a description of the kinds of cultural resources that might be encountered during construction and the steps to be taken if such a find is unearthed.

In the event that intact cultural deposits are exposed during project implementation, the archaeological monitor shall have the authority to temporarily halt all work within a 50-meter radius of the find. The find shall be evaluated and impacts mitigated as warranted. After the impacts have been appropriately mitigated work in the area may resume.

If human remains are found, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will than contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (e.g. avoidance, reburial).

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.3-15, 6-23, and the Cultural Resources setting section of the Final EIR.

D. GEOLOGIC HAZARDS (Class II)

Impact G-1: Seismically induced ground shaking (earthquakes) could impact remediation activities at the project site, resulting in loss of property or risk to human health. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - The following mitigation measure is required:

G-1(a) Engineered Design. Design and construction of the sheetpile wall, dewatering area and equipment, all berms surrounding stockpile and overburden areas and all subgrades greater than five feet shall be engineered to withstand the expected ground movement that may occur at this site. The design should take into consideration the soil type, potential for liquefaction, ground movement and the most current and applicable seismic attenuation methods that are available. A California Professional Civil Engineer shall sign and stamp all grading and construction plans submitted for approval by the County of San Luis Obispo. All previously mentioned on-site structures, including the sheetpile wall, shall comply with applicable provisions of the Uniform Building Code. All grading activities shall conform to the County's Grading Ordinance.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.4-22, 6-24, and the Geologic Hazards setting section of the Final EIR.

Impact G-2: Seismic activity could result in liquefaction and ground movement at the project site. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - The following mitigation measure is required:

G-1(a) Engineered Design. Design and construction of the sheetpile wall, dewatering area and equipment, all berms surrounding stockpile and overburden areas and all subgrades greater than five feet shall be engineered to withstand the expected ground movement that may occur at this site. The design should take into consideration the soil type, potential for liquefaction, ground movement and the most current and applicable seismic attenuation methods that are available. A California Professional Civil Engineer shall sign and stamp all grading and construction plans submitted for approval by the County of San Luis Obispo. All previously mentioned on-site structures, including the sheetpile wall, shall comply with applicable provisions of the Uniform Building Code. All grading activities shall conform to the County's Grading Ordinance.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.4-23, 6-24, 6-25, and the Geologic Hazards setting section of the Final EIR.

Impact G-3: The project site is located in an area defined as having a high potential for settlement. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - The following mitigation measures are required:

G-3(a) Engineer oversight and approval. A certified geotechnical engineer shall oversee all soil compaction activities and approve all compaction testing and backfilling techniques. Base design and soil compaction design shall be consistent with Uniform Building Code and the County of San Luis Obispo Grading Ordinance Standards.

G-3(b) Record of excavation sites. After excavation is complete and prior to backfilling, the excavation areas shall be surveyed by a licensed surveyor to a known benchmark. The survey shall be recorded on the property title.

G-1(a) Engineered Design. Design and construction of the sheetpile wall, dewatering area and equipment, all berms surrounding stockpile and overburden areas and all subgrades greater than five feet shall be engineered to withstand the expected ground movement that may occur at this site. The design should take into consideration the soil type, potential for liquefaction, ground movement and the most current and applicable seismic attenuation methods that are available. A California Professional Civil Engineer shall sign and stamp all grading and construction plans submitted for approval by the County of San Luis Obispo. All previously mentioned on-site structures, including the sheetpile wall, shall comply with applicable provisions of the Uniform Building Code. All grading activities shall conform to the County's Grading Ordinance.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.4-23, 6-25, and the Geologic Hazards setting section of the Final EIR.

Impact G-4: The project site is located in an area defined as having high potential for the expansion or contraction of soils. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - The following mitigation measures are required:

7-65

G-3(a) Engineer oversight and approval. A certified geotechnical engineer shall oversee all soil compaction activities and approve all compaction testing and backfilling techniques. Base design and soil compaction design shall be consistent with Uniform Building Code and the County of San Luis Obispo Grading Ordinance Standards.

G-3(b) Record of excavation sites. After excavation is complete and prior to backfilling, the excavation areas shall be surveyed by a licensed surveyor to a known benchmark. The survey shall be recorded on the property title.

G-1(a) Engineered Design. Design and construction of the sheetpile wall, dewatering area and equipment, all berms surrounding stockpile and overburden areas and all subgrades greater than five feet shall be engineered to withstand the expected ground movement that may occur at this site. The design should take into consideration the soil type, potential for liquefaction, ground movement and the most current and applicable seismic attenuation methods that are available. A California Professional Civil Engineer shall sign and stamp all grading and construction plans submitted for approval by the County of San Luis Obispo. All previously mentioned on-site structures, including the sheetpile wall, shall comply with applicable provisions of the Uniform Building Code. All grading activities shall conform to the County's Grading Ordinance.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.4-24, 6-25, 6-26, and the Geologic Hazards setting section of the Final EIR.

Impact G-5: Soil stability conditions contributing to landslides, debris flows, or rock falls exist within the project area. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - Grading plans for excavation areas provided by Padre Associates show that excavation pit walls will maintain a 1:1 slope ratio. If slopes are maintained at this ratio and excavations are designed by a certified geotechnical engineer as required in mitigation measure G-1(a) landslides hazards in the excavation areas will be reduced to less than significant. The project description and Entrix Work Plan do not address the design of soil stockpiles or rock fall hazards in the area near the cut slope; therefore the following mitigation is required:

G-5(a) Slope Stability Evaluation. A Geotechnical Engineer or Engineering Geologist shall assess the stability of the cut slope immediately south of the Tank 901 overburden stockpile area. This evaluation shall determine the potential for adverse soil stability and discuss appropriate setbacks or slope stabilization techniques. All measures needed to ensure slope stability shall be implemented. Unstable slopes affecting the project shall be rendered stable (that is, by increasing the factor of safety to > 1.5 for static and > 1.1 for dynamic loads) by incorporating, but not necessarily

being limited to, the following measures:

- eliminating the slope;
- removing any unstable soil and rock materials; or
  applying one or more appropriate slope stabilization methods (such as buttress fills, subdrains, soil nailing, crib walls, etc.)

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.4-25, 6-26, and the Geologic Hazards setting section of the Final EIR.

Impact G-6: The project will increase surface runoff, modify drainage patterns, and expose erodible soils, therefore, the likelihood of erosion is increased. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** -

The proposed project includes restoration of the site to pre-project conditions. This restoration includes re-establishing surface topography and re-vegetating the site with native plants. These aspects of the project will reduce long-term impacts to less than significant but does not address short-term impacts. In addition, the above listed measures shall be implemented as a part of the proposed project. In order to further reduce short-term impacts the following measure is required to reduce impacts from drainage, erosion, and sedimentation:

G-6(a) Stockpiles Setback From Slopes. In the Overburden Stockpile Area south of the 1999 Pipeline Release Plume and east of the Control House Plume the toe of any stockpiles shall be set back from the slope to the north and northeast by at least five feet.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.4-25, 4.4-26, 6-27, and the Geologic Hazards setting section of the Final EIR.

E. HAZARDS AND HAZARDOUS MATERIALS (Class II)

Impact H-1: The proposed project generates risk associated with human exposure to contaminants and the potential release of hazardous substances. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - The applicant's work program includes several components intended to reduce potential hazard impacts workers and the environment. These include:

- The proposed project's site safety plan was developed in conformance with the Occupational Safety and Health Administration guidelines set forth in "Hazardous Waste Operations and Emergency Response" (29 CFR 1910.120). The applicant is having the document reviewed and signed by all contractors and subcontractors and a copy kept onsite at all times.
- During the project activities, the work area, staging area, and vehicle access routes shall be the exclusion zone. No persons may enter this zone without proper safety equipment and appropriate training. Caution tape shall be placed along these work areas to clearly delimit the exclusion zone. A decon station shall be set up in the staging area. All people leaving the work zone shall decontaminate as necessary.
- Throughout the project activities, risk associated with human exposure to contaminants and the potential release of hazardous substance would occur. However, to reduce the risk to the workers and the environment, the work plan calls for the work zone air will be monitored with a photoionization detector equipped with a 10.2 eV bulb. Readings will be taken a minimum of once per hour. If ambient levels of hydrocarbons produce a sustained reading in excess of 300 ppm, then full-face respirators will be donned and monitoring frequency will increase to every 15 minutes. In addition, several locations around the project site will be monitored at a minimum of every two hours.

The implementation of these safety measures outlined in the applicant's work program would reduce the risk of human exposure to contaminants and the potential release of hazardous substances. However, an additional mitigation measure is needed ensure that impacts would be reduced to a less than significant level.

H-1(a) Excavation Cover. The excavation shall be covered with visqueen-type plastic at the end of each work day in order to be protective to human and ecological health. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH – non-permeable barrier such as a plastic tarp. No headspace shall be allowed where vapors could accumulate. Clean soil must be segregated from contaminated soil.

H-1(b) Work Plan Monitoring. An independent onsite monitor selected by the County shall ensure the applicant implements the safety components of the proposed work plan as approved.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.5-5 through 4.5-7, 6-28, 6-26, and the Hazards and Hazardous Materials setting section of the Final EIR.

Impact H-2: Soil material from the onsite tank berm and ballast pond dikes will be used as backfill for the excavation area. However, the use of the backfill material may contain elevated levels

of contaminants based on its previous use. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - The following mitigation measures are required:

H-2(a) Existing Onsite Soil Testing. Prior to the use of onsite sources for fill material the applicant shall conduct laboratory testing of all fill borrow source areas. This testing shall include sufficient sampling to confirm that onsite sources are acceptable for onsite use. A soil testing plan shall be reviewed and approved by the County Environmental Health Department prior to its implementation. In addition, proposed onsite fill materials, including but not limited to on the existing onsite soil east of Tank 901, the former borrow pit area, Tank 901 berm, and the ballast pond dikes, shall be field screen for staining, odor, and PID readings in accordance with Chevron's Contaminated Materials Management Plan prior to their use as backfill.

H-2(b) Alternative Backfill Soil Sources. If additional fill materials are needed, the applicant shall purchase commercial source that is certified as non-contaminated or test prior to use onsite.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.5-8, 4.5-9, 6-29, and the Hazards and Hazardous Materials setting section of the Final EIR.

Impact H-3: During the proposed project activities, there is potential for contamination to leak or spill. This could occur during the vacuum extraction, loading and transporting soil onsite, and/or soil remediation at the soil management area. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - The applicant's work program includes several components to avoid, detect, and clean up spills of contamination. These safety mitigation measures include:

- During the proposed project, an environmental monitor will walk the access route and inspect the staging area for any spills to unlined areas once every two to four hours during the field work. Any spills noted shall be cleaned immediately, and the cause will be identified and remediated. During the early stages of the work, monitoring will be more frequent so that difficulties are detected and addressed early. The applicant will have additional personnel assigned to the facility during the work day so that any problems can receive immediate attention.
- Prior to commencing field work, approximately ten soil samples will be collected in the soil management area, in the staging area, and along the access routes to document pre-construction conditions. Following completion of the remediation activities, confirmatory soil samples will be collected in the bin

dewatering area, staging area, and along the access routes to verify that those areas remain in their per-construction condition.

- The applicant's facility is equipped with spill response equipment, most of which is available for deployment within approximately five minutes. The applicant will have adequate numbers of qualified personnel on site in the event of a spill.

The implementation of these measures outlined in the applicants work program would reduce the risk of contaminating new areas or those that have been remediated onsite. However, additional measures are required to reduce potential impacts to a less than significant level.

H-3(a) Off-Site Transport Safety Measures. The applicant shall transport excavated materials using routes approved by Caltrans and local authorities for this purpose, and shall provide the County Planning Department written verification of this prior to commencement of transport. Applicant shall implement applicable state or local requirements in the event of unanticipated spill or discharge during transport of materials.

H-1(b) Work Plan Monitoring. An independent onsite monitor selected by the County shall ensure the applicant implements the safety components of the proposed work plan as approved.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.5-10, 4.5-11, 6-29, and the Hazards and Hazardous Materials setting section of the Final EIR.

Impact H-4: The presumption of the proposed project is that the removal of identified contaminated materials will remove the source of the contamination. Because there is little documentation to prove that the contamination source has been fully identified, it is possible that the proposed action would not completely remove the source of the contamination, and thus may not accomplish the project objectives. If this is the case, any future use of the site may be subject contamination that may re-migrate into the excavation areas. A Class II, *significant but mitigable* impact would occur.

a. **Mitigation** - The following mitigation measure is required:

H-4(a) Documentation for Contamination Source. The applicant shall definitively demonstrate through written documentation and analysis that the soils slated for removal or remediation constitute the source of the contamination. The intent of this measure is to ensure that additional future contamination does not occur from leakage from a location not included in this effort, such that it re-migrate into the area where potential development could be considered in the future.

7-20

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.5-11, 6-30, and the Hazards and Hazardous Materials setting section of the Final EIR.

F. TRANSPORTATION AND CIRCULATION (Class II)

Impact T-2: The proposed project would generate truck traffic on State Route 1, a designated coastal bike route. Upon project implementation, truck/bicycle conflicts could potentially occur. This is considered a Class II, *significant but mitigable,* impact.

a. **Mitigation** - The following mitigation measure is required:

T-2(a) Construction Truck Safety. The following measures shall be required to ensure, to the extent possible, that truck/bicycle conflicts are minimized:

- Develop and implement a construction traffic management plan. The plan shall include a sign and/or informational component to notify motorists of the truck traffic on SR 1 south of the site on the days when trucks will be hauling.
- Ensure that truck loads are covered.

Inspect and maintain truck safety equipment.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.8-6 through 4.8-8, 6-33, and the Traffic and Circulation setting section of the Final EIR.

Impact T-3: Due to the current configuration of the site access driveway and internal circulation system, the potential exists for vehicle conflicts while entering/exiting the site from State Route 1 and during the proposed project activities. Therefore, site access and circulation impacts are considered Class II, *significant but mitigable.*

a. **Mitigation** - The following mitigation measures are required:

T-3(a) Minimize Potential Vehicle Conflicts. All hauling trucks exiting the project site shall be restricted to right-turn movements only. Under the existing driveway configuration, hauling trucks would partially need to use the northbound number 1 travel lane to complete the right-turn movement without running off the pavement. As such, the driveway throat shall be widened to 30 feet and the curb return radius shall be increased to a minimum of 30 feet to provide sufficient pavement to allow trucks to turn right into the northbound number 2 travel lane. In addition, when hauling occurs, construction traffic signs warning motorists of slow truck traffic shall be placed on the

route south of the project site.

T-3(b) Internal Truck Route Widening. Sufficient roadway width shall be provided along each individual hauling route to facilitate truck movements.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.8-9, 6-34, and the Traffic and Circulation setting section of the Final EIR.

G. WATER RESOURCES (Class II)

Impact W-1: During proposed project implementation, the soil surface would be disrupted and potentially become subject to erosion, with potential off-site sedimentation and pollutant discharges. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - The following mitigation measures are required:

W-1(a) Storm Water Pollution Prevention Plan. The SWPPP will include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site. A Notice of Intent to comply with the General Construction Activities Storm Water Permit (General Permit) will be submitted to the SWRCB at least two weeks prior to initiation of ground disturbing activities. The SWPPP shall include specific BMPs to control the discharge of material from the site. BMP methods may include, but would not be limited to, the use of temporary detention basins, straw bales, sand bagging, mulching, erosion control blankets, silt fencing, and soil stabilizers. The SWPPP must be prepared in accordance with the guidelines adopted by the State Water Resources Control Board (SWRCB).

W-1(b) Erosion and Sedimentation Control Plan (ESCP). An ESCP shall be prepared for project activities, and incorporated into contract specifications. The ESCP should include the project design, existing site conditions, soil characteristics, critical areas (high erosion and deposition potential, encompassing the excavation, dewatering and borrow areas, as well as the sheetpile installation area near the creek), erosion and sediment control measures, maintenance measures, maps (showing existing and final contours, existing vegetation, soils, existing and final drainage patterns based on the grading plan), limits of clearing and grading, an erosion control planting plan, and a stormwater management system. The plan will include, but not be limited to, the following measures to reduce water and wind erosion of exposed soils:

1. Ground-disturbing activities, including grading, should be performed during dry weather to reduce water erosion. Activities should cease within 2 days of forecasted rain events.

7-72

2. Graded areas should be clearly marked and no equipment or vehicles should disturb slopes or drainages outside of the grading area.
3. Areas used to stockpile fill should be graded to disperse water.
4. Silt fences and/or hay bales should be placed along the bank of channels to trap sediments prior to entry into the surface water system.
5. Silt fences and/or hay bales should be placed at the toe of fill slopes to contain sediments prior to stabilization.
6. Use of temporary erosion control measures to reduce erosion potential of disturbed soils or stockpiles not be re-worked for extended periods. These measures may include the use of straw, jute netting, hydroseeding, or straw mats to protect soils from erosion.
7. During and after construction, inspection and maintenance should be performed to identify and repair areas of concentrated runoff and sediment transport.
8. Implement a planting plan designed to provide temporary and permanent vegetative cover of exposed soils to minimize erosion. Exposed soils should be hydroseeded immediately upon completion of ground-disturbing activities, and allowed sufficient time to establish prior to the rainy season (October-April).
9. Light watering of disturbed areas should be performed, as needed, to reduce dust and control wind erosion during demolition and construction activities.
10. Install orange construction fencing between the creek and the silt fencing to discourage entry of equipment or construction workers into the creek.

W-1(c) Backfill and Grading Plan. The Uniform Building Code requires the establishment of a firm and unyielding base prior to backfilling excavations. A backfill plan will be developed to stabilize the lower section of the excavation due to the presence of saturated soils and ground water at the base of the proposed excavations.
A grading plan shall be developed to match the surrounding topography around the Control House, 1999 Pipeline Release area, and cutter stock sump. This will reduce the increase infiltration of rain and reduce surface runoff over existing conditions, the re-establishment of the natural topography and restoration with vegetation shall occur.

W-1(d) Silt Fencing Reinforcement. Silt fencing placed between the creek and the sheet wall shall be reinforced by installing 2'x5' plywood sheets anchored behind the silt fencing and placed end to end. The extra support that the plywood provides would keep relatively large and heavy chunks of soil from pushing through or over the silt fencing during installation and removal of the sheet wall.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.9-3, 4.9-4, 6-36, and the Water Resources setting section of the Final EIR.

Impact W-2: Site activities could result in inadvertent spills of contaminated water, petroleum products, motor fuels, lubricants which could directly impact the ground or surface water

quality. A spill could cause recontamination of a remediated area or affect previously uncontaminated areas. This is considered a Class II, *significant but mitigable,* impact.

a. **Mitigation** - In addition to BMPs for fuel storage and handling in mitigation measure W-1(a) above, the following mitigation measures are required.

W-2(a) Environmental Monitor. The applicant shall have an environmental monitor walk the access route once every two hours during field work to inspect the staging area for any spills to unlined areas. Any spills noted will be cleaned immediately, and the cause identified and remedied.

W-2(b) Spill Response Equipment. The contractor shall have adequate spill response equipment and qualified personnel onsite to respond to any emergency contamination situation.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.9-6, 6-36, and the Water Resources setting section of the Final EIR.

Impact W-3: A failure of the wastewater collection system could cause contaminated ground water or separate petroleum hydrocarbon to be transported into previously uncontaminated areas or cause recontamination of a remediated area. This is considered a Class II, *significant but mitigable,* impact.

a. **Mitigation** - The following mitigation measures are required:

W-1(a) Storm Water Pollution Prevention Plan. The SWPPP will include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site. A Notice of Intent to comply with the General Construction Activities Storm Water Permit (General Permit) will be submitted to the SWRCB at least two weeks prior to initiation of ground disturbing activities. The SWPPP shall include specific BMPs to control the discharge of material from the site. BMP methods may include, but would not be limited to, the use of temporary detention basins, straw bales, sand bagging, mulching, erosion control blankets, silt fencing, and soil stabilizers. The SWPPP must be prepared in accordance with the guidelines adopted by the State Water Resources Control Board (SWRCB).

W-2(a) Environmental Monitor. The applicant shall have an environmental monitor walk the access route once every two hours during field work to inspect the staging area for any spills to unlined areas. Any spills noted will be cleaned immediately, and the cause identified and remedied.

7-74

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.9-7, 4.9-8, 6-37, and the Water Resources setting section of the Final EIR.

Impact W-4: Water quality within drainages could be adversely impacted if backfill material used is contaminated. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** - The following mitigation measures are required:

H-2(a) Existing Onsite Soil Testing. Prior to the use of onsite sources for fill material the applicant shall conduct laboratory testing of all fill borrow source areas. This testing shall include sufficient sampling to confirm that onsite sources are acceptable for onsite use. A soil testing plan shall be reviewed and approved by the County Environmental Health Department prior to its implementation. In addition, proposed onsite fill materials, including but not limited to on the existing onsite soil east of Tank 901, the former borrow pit area, Tank 901 berm, and the ballast pond dikes, shall be field screen for staining, odor, and PID readings in accordance with Chevron's Contaminated Materials Management Plan prior to their use as backfill.

W-4(a) Backfill Material Covering. Backfill material intended for use, once determined to be acceptable through testing according to Mitigation Measure H-2(a), shall be covered prior to heavy rain events to prevent erosion and potential contamination to this source of backfill.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.9-8, 4.9-9, 6-37, and the Water Resources setting section of the Final EIR.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:

No significant and unavoidable impacts were identified for the project.

7-25

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. Finding.

The project would not result in significant, unmitigable, unavoidable adverse effects. Therefore, no statement of overriding considerations is needed, pursuant to *CEQA Guidelines* sections 15093 and 15092.

B. Supporting Evidence

Four alternatives to the proposed project were considered, including:

- *Alternative 1: No Project*
- *Alternative 2: Full Excavation*
- *Alternative 3: Alternate Remediation Methods*
- *Alternative 4: Revised Project*

The Revised Project Alternative was considered environmentally superior to each of the other alternatives, including the proposed project. For this reason, and because it would fulfill project objectives, it is the recommended action. Each of the other alternatives was rejected because it would be environmentally inferior to the Revised Project Alternative, as described on pages 6-40 and 6-41 of the Final Environmental Impact Report.

In addition, the No Project Alternative is rejected because it would not fulfill the basic objectives of the RWQCB Cleanup and Abatement Order, as there would be remaining impacts with respect to water quality and hazards that could affect future use of the site. Further, the No Project alternative would not preclude on-site contaminants from further polluting ground water sources in the vicinity.

VIII. CEQA GENERAL FINDINGS

A. The Planning Commission finds that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Chevron/Estero Marine Terminal Source Removal Final EIR.

B. The Planning Commission finds that the project as approved includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

IX. MITIGATION MONITORING PROGRAM

A. The applicant, Chevron Pipe Line Company, will be primarily responsible for ensuring that all project mitigation measures are complied with. They will be assisted in this effort by the County Department of Planning and Building's Planning and Environmental Divisions. Mitigation measures are programmed to occur at, or prior to, the following milestones:

- Prior to commencement of construction/vegetation removal. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.

- During project construction/vegetation removal. These measures are those that need to occur as the project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.

- Prior to completion of construction. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.). In order for the plan to be available for use at project completion, it will need to be prepared and completed before project construction is finished.

- At the time of project completion/during operation of the project. These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the project.

- Prior to approval of discretionary permits and/or recordation of the final map.

- Prior to final inspection of the development.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

B. As lead agency for the Chevron/Estero Marine Terminal Source Removal Final EIR, the Planning Commission hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.

MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Environmental Impact Report, specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring and Reporting Program (MMRP).

In order to implement this MMRP, County of San Luis Obispo will designate a Project Mitigation Monitoring and Reporting Coordinator ("Coordinator"). The coordinator will be responsible for ensuring that the mitigation measures incorporated into the project are complied with during project implementation. The coordinator will also distribute copies of the MMRP to those responsible agencies identified in the MMRP, which have partial or full responsibility for implementing certain measures. Failure of a responsible agency to implement a mitigation measure will not in any way prevent the lead agency from implementing the proposed project.

The following table will be used as the coordinator's checklist to determine compliance with required mitigation measures.

EXHIBIT D

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
AIR QUALITY							
AQ-1(a) Application of CBACT. The following measures shall be implemented to reduce combustion emissions from equipment. • The project applicant shall submit for review by the County Planning and APCD staff a grading plan showing the area to be disturbed and a description of equipment that will be used and pollution reduction measures that will be implemented. Upon confirmation by County Planning and APCD, appropriate CBACT features shall be applied. • The project applicant shall be required to ensure that all equipment and portable engines is properly maintained and tuned according to manufacturer's specifications. • The project applicant shall be required to ensure that off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively	The project applicant shall identify for review by County Planning and Building and APCD staff the piece of construction equipment that would cause the highest level of combustion emissions. Upon confirmation by the County and APCD, CBACT features shall be applied. The application of these features shall occur prior to project activities.	The grading inspector shall perform periodic site inspections during site activities.	As necessary, during site activities	SLOPBD			

2-98

Key: **SLOPBD - San Luis Obispo County Planning and Building Department** **CDFG - State Department of Fish and Game**
SLOFD- CDF/San Luis Obispo County Fire Department **USACE - U.S. Army Corps of Engineers**
SLOPWD - San Luis Obispo County Public Works Department **RWQCB - Regional Water Quality Control Board**

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
with CARB motor vehicle diesel fuel (non-taxed off-road diesel is acceptable). • The project applicant shall be required to install a diesel oxidation catalyst on each of the two pieces of equipment projected to generate the greatest emissions. Installations must be prepared according to manufacturer's specifications. • The project applicant shall maximize, to the extent feasible, the use of diesel construction equipment meeting CARB's 1996 and newer certification standard for off-road heavy-duty diesel engines • The applicant shall minimize diesel engine idling to a maximum of five minutes.							
AQ-1(b) Dust Control. The following measures shall be implemented to reduce PM10 emissions during project activities: • Reduce the amount of the disturbed area where possible. • Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall	Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with any map, the aforementioned	Conditions shall be adhered to throughout all grading and other activity periods for all project components. Planning and Building inspectors	As necessary, during site activities.	SLOPBD			

Key: SLOPBD - San Luis Obispo County Planning and Building Department
SLOFD- CDF/San Luis Obispo County Fire Department
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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible. • All dirt-stock-pile areas shall be sprayed daily as needed. • Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities. • Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established. • All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD. • All areas intended for paving should be completed as soon as possible. • Vehicle speed shall not exceed 15 mph on any unpaved surface at the site. • All trucks hauling dirt, sand, soil or other	dust control requirements. All requirements shall be shown on grading plans.	shall perform periodic spot checks during grading and other project activities. APCD inspectors shall respond to nuisance complaints.					

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loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114. • Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site. • Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.							
AQ-1(c) Cover Stockpiled Soils. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be covered by a tarp from the point of origin.	Stockpiled and transported soils shall be covered.	Conditions shall be adhered to throughout all grading and other activity periods for all project components. Planning and Building inspectors shall perform periodic spot checks during grading and site activities. APCD inspectors	As necessary, during site activities.	SLOPBD			

18-2

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		shall respond to nuisance complaints.					
AQ-1(d) Dust Control Monitor. The contractor shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.	The name and telephone number of such persons shall be provided to the APCD. The dust monitor shall be designated prior to approval of a Land Use Permit.	During site activities, Planning and Building shall contact the designated monitor as necessary for compliance with dust control measures.	As necessary, during site activities.	SLOPBD			
AQ-2(a) Asbestos Sampling and Supervision. Prior to demolition work, areas of the structures to be demolished shall be sampled as part of an asbestos survey in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP). If asbestos is found in any building, asbestos-related work, including demolition, involving 100 square feet or more of asbestos containing materials (ACMs) shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant and asbestos shall be removed and disposed of in compliance with applicable State laws. Regardless of whether asbestos is identified in any	Verification that asbestos sampling and, as necessary, removal and proper disposal of asbestos containing materials have been conducted.	Prior to issuance of demolition permits.	Once.	SLOPBD			

7-87

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building, prior to demolition of existing structures the APCD shall be notified and an APCD Notification of Demolition and Renovation Checklist shall be submitted to both APCD and the County Planning Department.							
AQ-2(b) Lead-Based Paint Management. If during demolition of on-site structures paint is separated from the building material (e.g. chemically or physically), the paint waste will be evaluated independently from the building material by a qualified hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed in accordance with local, state and federal regulations. According to the Department of Toxic Substances Control (DTSC), if paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as construction debris (a non-hazardous waste). The landfill operator will be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements.	All paint waste to be evaluated by a qualified hazardous materials inspector and shall be handled and disposed in accordance with local, state and federal regulations.	Condition shall be adhered to throughout all demolition periods for all project components.	As necessary, during demolition.	SLOPBD			

4-38

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AQ-6(a) Naturally Occurring Asbestos Determination. Prior to any grading activities at the site, a qualified geologist shall be retained by the applicant for the purpose of determining if serpentine rock is present. Grading or earth movement in serpentine rock larger than 1 acre will require prior APCD approval of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program (as described in the California ARB Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations). If naturally occurring asbestos is not present, an exemption form must be filed with the APCD.	A qualified geologist shall determine presence of serpentine rock. The applicant shall seek APCD approval or exemption depending on the geologist's findings.	Condition shall be adhered to throughout all grading and other site disturbance activities for all project components.	As necessary, during grading activities.	SLOPBD			
BIOLOGICAL RESOURCES							
B-1(a) Riparian and Wetland Protection. Implementation of the following measures would mitigate the loss of riparian/wetland habitat to a less than significant level. The applicant shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, a water quality certification from the Regional Water Quality Control Board (RWQCB) pursuant to	As necessary, 1) the applicant shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, a water quality certification from the Regional	Prior to issuance of grading permits.	Once.	SLOPBD, CDFG, RWQCB, USACE			

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Section 401 of the Clean Water Act, and a Streambed Alteration Agreement from the California Department of Fish and Game pursuant to Section 1600 et seq. of the California Fish and Game Code for any grading or fill activity within drainages and wetlands and trimming/removal of riparian vegetation. It is recommended that the applicant contact these agencies prior to final plan submittal in order to incorporate any additional requirements into the project design. As part of the permitting process, the applicant will be required to provide a compensatory habitat creation/restoration program to mitigate impacts to jurisdictional areas. The plan shall be written and implemented by a biologist familiar with restoration and mitigation techniques. Compensatory mitigation shall occur on-site using regionally collected native plant material at a minimum ratio of 2:1 (habitat created to habitat impacted). The CDFG and RWQCB may require a higher mitigation ratio. The plan shall include, but not be limited to the following components:	Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act, and a Streambed Alteration Agreement from the California Department of Fish and Game pursuant to Section 1600 et seq. of the California Fish and Game Code, 2) the applicant shall provide County Planning and Building written confirmation from the agencies that the project complies with the applicable requirements.						

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• Description of the project/impact site (i.e.: location, responsible parties, jurisdictional areas to be filled/impacted by habitat type); • goal(s) of the compensatory mitigation project (type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved, specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved); • description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site); • implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan); • maintenance activities during the monitoring period (activities, responsible parties, schedule); • monitoring plan for the compensatory mitigation-site (performance standards, target functions and values, target hydrological regime, target jurisdictional and non-jurisdictional acreages to be							

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established, restored, enhanced, and/or preserved, annual monitoring reports); • completion of compensatory mitigation (notification of completion, agency confirmation); and • contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).							
B-1(b) Site Restoration Plan. The SRP that is a part of the proposed project plan for the site shall be revised by the following measures: 1. The plan shall include the above described riparian and wetland restoration plan as a major component. 2. The quantity of all habitats that will be impacted and the amount that will be revegetated shall be specified. 3. Mitigation areas shall be clearly identified. 4. Hydroseeding, hand seeding, or container stock revegetation of all cleared, grubbed, and bare areas shall be completed no later than October. Any areas in which steep slopes are located (such as along the creek after	The applicant shall submit a revised SRP for approval by County Planning and Building.	Plan review prior to issuance of grading and demolition permits; field verification of compliance throughout all site activities	Once for plan review; periodic field review during site activities	SLOPBD			

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the sheet pile wall is removed) shall include additional erosion controls such as a loose weave straw matting installed per manufacturer's specifications immediately after any seeding activities. Loose straw alone shall not be sufficient to stabilize steep slopes. All erosion control and restoration plant material shall be from native locally collected stock (from west side of Coast Ranges between Cambria and Montana De Oro State Park).							
B-2(a) Tag Trees for Removal. A qualified arborist/botanist shall conduct a tree survey that includes tagging and recording the DBH, species, and location all trees to be removed.	The applicant shall submit a tree removal plan prepared by a County-approved arborist or biologist to County Planning and Building for review and approval.	Prior to commencement of tree removal, survey results shall be reviewed.	Once.	SLOPBD			
B-2(b) Tree Replacement. Replace blue gum trees proposed for removal with Monterey cypress (Cupressus macrocarpa) at a ratio of 4:1 (species replaced to species lost). Incorporate the planting plan of the trees into the SRP described in B-1(b).	Trees shall be replaced at a ratio of 4:1. Annual monitoring reports to be prepared by a County-approved	Trees shall be established at the time of project completion.	Replacement plantings to be monitored for at least three years or until the trees have	SLOPBD			

88-2

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Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least three years or until the trees have successfully established as determined by the County's Environmental Coordinator. Annual monitoring reports will be prepared for the County that evaluates tree survivability and vigor. Verify in writing by a registered landscape architect, licensed landscaping contractor or certified nurseryman that the replacement trees will provide equal or better shade, screening, solar efficiency, or visual amenity within a ten-year period. All trees planted as mitigation shall have a 100% survival rate after five years. If any trees planted as mitigation do not survive five years, the replacement mitigation trees shall also have a survival rate of 100% after five years from date of planting.	arborist or biologist for County Planning and Building approval.		successfully established.				
B-3(a) FESA Consultation Regarding Steelhead, Tidewater Goby, and CRLF. The project applicant shall consult with the USFWS and NOAA Fisheries regarding the Federally listed steelhead, tidewater goby, and CRLF. As part of any Section 404 permitting application that may be required,	As necessary, 1) the applicant shall coordinate with USFWS, and the NOAA; 2) the applicant shall provide County	Prior to ground disturbance.	At identified milestones.	SLOPBD, USFWS.			

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the Corps would coordinate with the USFWS and NOAA Fisheries regarding possible impacts to the three species. Procedural recommendations of the USFWS shall be implemented. The project applicant shall implement measures that minimize the project's adverse effects on steelhead, tidewater goby, and CRLF. Measures to reduce impacts to steelhead and tidewater goby in terms of water quality are listed in Section 4.9 Water Resources. Measures protecting CRLF within the Programmatic Biological Opinion regarding CRLF that covers all Nation Wide Permits shall be met. Subject to concurrence by and coordination with USFWS, required measures may include the following: • At least 30 days prior to the onset of activities, the applicant or project proponent shall submit the name(s) and credentials of biologists who would conduct activities specified in the following measures. No project activities shall begin until proponents have received written approval from the USFWS that the biologist(s) is qualified to conduct the work. • A USFWS-approved biologist shall	Planning and Building written confirmation from USFWS that the project complies with the applicable requirements of FESA.						

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survey the work site two weeks before the onset of activities. If CRLF, tadpoles, or eggs are found, the approved biologist shall contact USFWS to determine if moving any of these life-stages is appropriate. In making this determination, USFWS shall consider if an appropriate relocation site exists. If USFWS approves moving animals, the approved biologist shall be allowed sufficient time to move CRLF from the work site before work activities begin. Only- USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF. • Before any construction activities begin on the project, a USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the importance of the CRLF and its habitat, the general measures that are being implemented to conserve the CRLF as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the							

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training session, provided that a qualified person is on hand to answer any questions. • A USFWS-approved biologist shall be present at the work site until such time as all removal of CRLF, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor the on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives training outlined above and in the identification of CRLF. The monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by USFWS during review of the proposed action. If work is stopped, USFWS, and the Corps as applicable, shall be notified immediately by the USFWS-approved biologist or on-site biological monitor. • During project activities, all trash that may attract predators shall be properly contained, removed from the work site							

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and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas. • All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or onsite drainages. The permittee, and Corps as applicable, shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the permittee shall prepare and comply with a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur. • The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in							

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the above measures. • To minimize the potential for direct impacts to dispersing individuals, work activities shall be completed in the dry season, between April 1 and November 1.							
B-3(b) Inadvertent CRLF Take Procedure. Any project contractor or employee that inadvertently kills or injures a CRLF or who finds any such animal either dead or injured shall be required to report the incident immediately to a supervisor overseeing the project development. In the event that such observations are made of injured or dead CRLF, a project representative shall immediately notify the USFWS by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to USFWS for care, analysis, or disposition.	The applicant shall adhere to the protocol for reporting incidents and discovers of CRLF to USFWS.	During project site activities, measure shall be implemented.	As necessary, during site activities.	SLOPBD, USFWS			
B-3(c) SPPT and TSGS Training Session and Preconstruction Surveys. In	The applicant shall train workers on	Prior to site activities.	Once.	SLOPBD			

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coordination with the training session regarding CRLF, all construction personnel shall also be informed of the description and habitat of Southern Pacific Pond Turtle (SPPT) and Two-Striped Garter Snake (TSGS), the importance of these species and their habitat, and measures that are being implemented to conserve these species as they relate to the project. Prior to the initiation of project activities, a survey, including capture and relocation efforts shall be conducted by a qualified biologist for any SPPT and TSGS encountered at that time. The survey shall be conducted up to two weeks in advance of and during initial ground disturbing activities. Designated areas approved by a qualified biologist in the immediate vicinity of the project site shall be identified for release of captured SPPT and TSGS.	SPPT and TSGS. In addition, a County-approved biologist shall survey for any SPPT and TSGS prior to the initiation of project activities.						
B-3(d) VPFS Sampling Surveys. Prior to project activity, protocol level sampling surveys shall be conducted in all potential Vernal Pool Fairy Shrimp (VPFS) habitat. The surveys shall be conducted using appropriate survey protocol developed by the USFWS with input by the CDFG. A	The applicant shall submit a VPFS survey consistent with the above survey criteria. The survey shall be conducted by a	Prior to commencement of site activities, the County shall verify that the survey has been conducted by a County approved	Review of VPFS survey, and preparation of map, if needed, would occur once.	SLOPBD			

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report consistent with current Federal, State, and local reporting regulations shall be prepared to document the methods and results of surveys. Should the presence of additional special-status wildlife species be determined including California linderiella, a map identifying locations in which special-status species were found shall be prepared.	County approved biologist. If special-status wildlife species are identified, a map identifying locations in which special-status species were found shall be prepared.	biologist.					
B-3(e) FESA Consultation and Mitigation Regarding VPFS. In the event that VPFS are found onsite in locations in which excavation activities will occur, take of the species would be unavoidable and the following mitigation measures shall apply. If VPFS are found in locations such as areas proposed for soil stockpiles or equipment staging those activities shall be moved elsewhere onsite. The project applicant shall consult with the USFWS regarding the Federally listed VPFS. As part of any Section 404 permit application that may be required, the Corps would coordinate with the USFWS regarding possible impacts to VPFS. Consultation may necessitate the issuance of a USFWS Biological Opinion and/or the preparation of a Habitat Conservation Plan for VPFS and their	As necessary, 1) the applicant shall coordinate with USFWS, and the Corps; 2) the applicant shall provide County Planning and Building written confirmation from USFWS that the project complies with the applicable requirements of FESA.	Prior to ground disturbance.	At identified milestones.	SLOPBD, USFWS, USACE			

2-96

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habitat. Suitable replacement habitat shall be constructed either within the site boundaries or offsite. VPFS mitigation areas shall be approved by a biologist familiar with VPFS habitat "creation" techniques. Onsite seasonal freshwater wetland habitat that is undisturbed by project activities may be enhanced and included as a component of the SRP described in BIO-1(b). Alternatively, fairy shrimp cysts could be collected during the dry season from the existing habitat and placed into storage. Topsoil could also be removed and stored in conditions suitable to retain cysts. After remediation of the oil plume, the wetland habitat could be recreated by grading depressions in the landscape and using the preserved topsoil. Preserved cysts would be added to the recreated wetlands in December or January, after sufficient rainfall occurs to produce the likelihood of ponding that will continue for at least 31 days. VPFS habitat mitigation is still considered to be experimental. VPFS habitat mitigation is ambitious as it is costly, labor intensive, and difficult to ensure success. Habitat may be "created" only in an existing vernal pool landscape that provides suitable soils and a number of other specific ecological factors							

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(USFWS, 2004).							
B-3(f) Pre-Construction Bird Survey. To avoid impacts to nesting special-status bird species and raptors, all initial ground-disturbing activities and tree removal shall be limited to the time period between September 1 and February 15. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active nests within the limits of grading shall be conducted by a qualified biologist at the site two weeks prior to any construction activities. If active nests are located, all construction work must be conducted outside a buffer zone of 200 feet to 500 feet from the nests as determined in consultation with the CDFG. No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction.	The applicant shall submit the results of the above survey for approval by County Planning and Building.	Prior to commencement of site activities, survey results shall be reviewed.	Once.	SLOPBD, CDFG			
CULTURAL RESOURCES							
CR-1(a) Cultural Resource Curation. The cultural remains already recovered from the area should be further processed and	All cultural remains recovered from the area to be further	Throughout project activities	Site inspect as necessary during project	SLOPBD			

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analyzed in the laboratory to recover the significant information they hold. Such analysis should include taxonomic studies of faunal remains (marine shell, fish, terrestrial vertebrates), comparative analysis of beads and other formed tools, technological analysis of flaked and ground stone tools and debris, flotation and paleobotanical analysis of soil column samples, radiocarbon dating, and similar studies. When the project is complete the cultural remains from the site should be curated permanently at a repository approved by the County, and the results of the studies should be published in a technical report of findings available to the community at large.	processed and analyzed and permanently held at a repository approved by County Planning and Building.		activities.				
CR-4(a) Monitoring for Unidentified Resources. A professional archaeologist familiar with the resources of the area and a Chumash representative shall monitor all earth disturbances within CA-SLO-879. Prior to implementation, an archaeologist shall provide a cultural resource orientation to all construction personnel working at the site. The orientation will include a description of the kinds of cultural resources that might be encountered during construction and the steps to be taken if	Verification that an onsite monitor is present during grading; ceasing of site activities if remains are unearthed and implementation of appropriate cultural resources management program, as necessary.	Throughout grading within CA-SLO-879.	As needed during grading.	SLOPBD			

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such a find is unearthed. In the event that intact cultural deposits are exposed during project implementation, the archaeological monitor shall have the authority to temporarily halt all work within a 50-meter radius of the find. The find shall be evaluated and impacts mitigated as warranted. After the impacts have been appropriately mitigated work in the area may resume. If human remains are found, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will than contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (e.g. avoidance, reburial).							

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GEOLOGIC HAZARDS							
G-1(a) Engineered Design. Design and construction of the sheetpile wall, dewatering area and equipment, all berms surrounding stockpile and overburden areas and all subgrades greater than five feet shall be engineered to withstand the expected ground movement that may occur at this site. The design should take into consideration the soil type, potential for liquefaction, ground movement and the most current and applicable seismic attenuation methods that are available. A California Professional Civil Engineer shall sign and stamp all grading and construction plans submitted for approval by the County of San Luis Obispo. All previously mentioned on-site structures, including the sheetpile wall, shall comply with applicable provisions of the Uniform Building Code. All grading activities shall conform to the County's Grading Ordinance.	Final project plans submitted to P&B for shall have a note printed on the plans which specify UBC standards for on-site structures. A California Professional Civil Engineer shall sign and stamp all grading and construction plans submitted for approval by County Planning and Building.	Prior to project completion, Planning and Building staff shall review project plans and verify that the UBC requirements are printed on the plans. Building Division staff shall verify that UBC standards are met prior to the completion of site activities. Building inspectors shall conduct site inspections to assure that site activities occur consistent with approved plans.	Once.	SLOPBD			
G-3(a) Engineer oversight and approval. A certified geotechnical engineer shall oversee all soil compaction activities and approve all compaction testing and backfilling techniques. Base design and soil compaction design shall be consistent with	The applicant shall submit the above changes in plans for approval by County Planning and Building.	During project site activities, measure shall be implemented. Plans shall be checked for compliance and site	As necessary, during project activities.	SLOPBD			

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Uniform Building Code and the County of San Luis Obispo Grading Ordinance Standards.		shall be inspected one year after completion of tract development.					
G-3(b) Record of excavation sites. After excavation is complete and prior to backfilling, the excavation areas shall be surveyed by a licensed surveyor to a known benchmark. The survey shall be recorded on the property title.	Excavation areas shall be surveyed by a licensed surveyor. Survey to be recorded on property title.	After excavation and prior to backfilling.	Once.	SLOPBD			
G-5(a) Slope Stability Evaluation. A Geotechnical Engineer or Engineering Geologist shall assess the stability of the cut slope immediately south of the Tank 901 overburden stockpile area. This evaluation shall determine the potential for adverse soil stability and discuss appropriate setbacks or slope stabilization techniques. All measures needed to ensure slope stability shall be implemented. Unstable slopes affecting the project shall be rendered stable (that is, by increasing the factor of safety to > 1.5 for static and > 1.1 for dynamic loads) by incorporating, but not necessarily being limited to, the following measures: • eliminating the slope; • removing any unstable soil and rock materials; or	A Geotechnical Engineer shall assess the stability of cut slope and recommend necessary measures to ensure slope stability.	Prior to project site activities.	Once.	SLOPBD			

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• applying one or more appropriate slope stabilization methods (such as buttress fills, subdrains, soil nailing, crib walls, etc.)							
G-6(a) Stockpiles Setback From Slopes. In the Overburden Stockpile Area south of the 1999 Pipeline Release Plume and east of the Control House Plume the toe of any stockpiles shall be set back from the slope to the north and northeast by at least five feet.	The applicant shall submit the above changes in plans for approval by County Planning and Building.	During project activities, measure shall be implemented. Plans shall be checked for compliance and site shall be inspected as necessary.	As necessary, during project activities.	SLOPBD			
HAZARDS and HAZARDOUS MATERIALS							
H-1(a) Excavation Cover. The excavation shall be covered with visqueen-type plastic at the end of each work day in order to be protective to human and ecological health.	The applicant shall submit the above changes in plans for approval by County Planning and Building.	During project activities, measure shall be implemented. Plans shall be checked for compliance and site shall be inspected as necessary.	As necessary, during project activities.	SLOPBD			
H-1(b) Work Plan Monitoring. An independent onsite monitor selected by the County shall ensure the applicant implements the safety components of the proposed work plan as approved.	Monitoring to ensure safety components of proposed work plan are implemented.	During project activities.	As necessary, during project activities.	SLOPBD			

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H-2(a) Existing Onsite Soil Testing. Prior to the use of onsite sources for fill material the applicant shall conduct laboratory testing of all fill borrow source areas. This testing shall include sufficient sampling to confirm that onsite sources are acceptable for onsite use. A soil testing plan shall be reviewed and approved by the County Environmental Health Department prior to its implementation. In addition, proposed onsite fill materials, including but not limited to on the existing onsite soil east of Tank 901, the former borrow pit area, Tank 901 berm, and the ballast pond dikes, shall be field screen for staining, odor, and PID readings in accordance with Chevron's Contaminated Materials Management Plan prior to their use as backfill.	Laboratory testing of all fill material. Development and implementation of a soil testing plan for approval by Environmental Health. Field screening in accordance with Chevron's Contaminated Materials Management Plan.	Laboratory testing prior to the use of onsite sources for fill material; plan review prior to its implementation; field screening of onsite soils prior to their use as backfill.	Once for plan review; periodic field review during project activities.	SLOPBD			
H-2(b) Alternative Backfill Soil Sources. If additional fill materials are needed, the applicant shall purchase commercial source that is certified as non-contaminated or test prior to use onsite.	Purchase of commercial fill should additional fill materials be necessary.	Field verification throughout project activities.	As necessary, during project activities.	SLOPBD			
H-3(a) Off-Site Transport Safety Measures. The applicant shall transport excavated materials using routes approved by Caltrans and local authorities for this	Field verification that transport of excavated materials is via approved	Field verification throughout grading and excavation.	Field verification periodically throughout	SLOPBD			

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purpose, and shall provide the County Planning Department written verification of this prior to commencement of transport. Applicant shall implement applicable state or local requirements in the event of unanticipated spill or discharge during transport of materials.	routes; if spill or discharge occurs, verification that appropriate assessment and any needed remediation is conducted.		grading.				
H-4(a) Documentation for Contamination Source. The applicant shall definitively demonstrate through written documentation and analysis that the soils slated for removal or remediation constitute the source of the contamination. The intent of this measure is to ensure that additional future contamination does not occur from leakage from a location not included in this effort, such that it re-migrate into the area where potential development could be considered in the future.	The applicant shall provide written documentation and analysis that soils slated for removal or remediation constitute the source of contamination.	Review documentation prior to issuance of grading permits. Site inspect prior to project completion.	Review plans once. Site inspect as necessary during and following project activities.	SLOPBD			
TRAFFIC and CIRCULATION							
T-2(a) Construction Truck Safety. The following measures shall be required to ensure, to the extent possible, that truck/bicycle conflicts are minimized: • Develop and implement a construction	Verification that the above measures have been completed. Traffic management plan to be submitted prior to	Prior to onsite project activities.	As necessary, during project activities.	SLOPBD; SLOFD			

7-165

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traffic management plan. The plan shall include a sign and/or informational component to notify motorists of the truck traffic on SR 1 south of the site on the days when trucks will be hauling. • Ensure that truck loads are covered. • Inspect and maintain truck safety equipment.	project construction.						
T-3(a) Minimize Potential Vehicle Conflicts. All hauling trucks exiting the project site shall be restricted to right-turn movements only. Under the existing driveway configuration, hauling trucks would partially need to use the northbound number 1 travel lane to complete the right-turn movement without running off the pavement. As such, the driveway throat shall be widened to 30 feet and the curb return radius shall be increased to a minimum of 30 feet to provide sufficient pavement to allow trucks to turn right into the northbound number 2 travel lane. In addition, when hauling occurs, construction traffic signs warning motorists of slow truck traffic shall be placed on the route south of the project site.	Verification that the road improvement has been completed.	Prior to site activities.	Once to verify roadway improvement. Periodically to verify location of construction traffic signs.	SLOPBD; SLOFD			

4-106

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T-3(b) Internal Truck Route Widening. Sufficient roadway width shall be provided along each individual hauling route to facilitate truck movements.	Verification that the road improvement has been completed.	Prior to project activities.	Once.	SLOPBD; SLOFD			
WATER RESOURCES							
W-1(a) Storm Water Pollution Prevention Plan. The SWPPP will include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site. A Notice of Intent to comply with the General Construction Activities Storm Water Permit (General Permit) will be submitted to the SWRCB at least two weeks prior to initiation of ground disturbing activities. The SWPPP shall include specific BMPs to control the discharge of material from the site. BMP methods may include, but would not be limited to, the use of temporary detention basins, straw bales, sand bagging, mulching, erosion control blankets, silt fencing, and soil stabilizers. The SWPPP must be prepared in accordance with the guidelines adopted by the State Water Resources Control Board (SWRCB).	Verification that applicant-prepared SWPPP meets RWQCB requirements; field verification of compliance with SWPPP.	Plan check prior to issuance of grading permits; field verification throughout grading and other site activities.	Once for plan check; periodic field review during grading and site activities.	SLOPBD, SLOPWD			
W-1(b) Erosion and Sedimentation	Development and	Plan review prior to	Once for plan	SLOPBD,			

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7-104

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Control Plan (ESCP). An ESCP shall be prepared for project activities, and incorporated into contract specifications. The ESCP should include the project design, existing site conditions, soil characteristics, critical areas (high erosion and deposition potential, encompassing the excavation, dewatering and borrow areas, as well as the sheetpile installation area near the creek), erosion and sediment control measures, maintenance measures, maps (showing existing and final contours, existing vegetation, soils, existing and final drainage patterns based on the grading plan), limits of clearing and grading, an erosion control planting plan, and a stormwater management system. The plan will include, but not be limited to, the following measures to reduce water and wind erosion of exposed soils: (1) Ground-disturbing activities, including grading, should be performed during dry weather to reduce water erosion. Activities should cease within 2 days of forecasted rain events. (2) Graded areas should be clearly marked and no equipment or vehicles should disturb slopes or drainages outside of the grading area.	implementation of the required Erosion and Sedimentation Control Plan.	issuance of grading and demolition permits; field verification of compliance throughout onsite project activities.	review; periodic field review during project activities.	SLOPWD			

801-4

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(3) Areas used to stockpile fill should be graded to disperse water. (4) Silt fences and/or hay bales should be placed along the bank of channels to trap sediments prior to entry into the surface water system. (5) Silt fences and/or hay bales should be placed at the toe of fill slopes to contain sediments prior to stabilization. (6) Use of temporary erosion control measures to reduce erosion potential of disturbed soils or stockpiles not be re-worked for extended periods. These measures may include the use of straw, jute netting, hydroseeding, or straw mats to protect soils from erosion. (8) During and after construction, inspection and maintenance should be performed to identify and repair areas of concentrated runoff and sediment transport. (9) Implement a planting plan designed to provide temporary and permanent vegetative cover of exposed soils to minimize erosion. Exposed soils should be hydroseeded immediately upon completion of ground-disturbing activities, and allowed sufficient time to establish prior to the rainy season							

4-104

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(October-April). (10) Light watering of disturbed areas should be performed, as needed, to reduce dust and control wind erosion during demolition and construction activities. (11) Install orange construction fencing between the creek and the silt fencing to discourage entry of equipment or construction workers into the creek.							
W-1(c) Backfill and Grading Plan. The Uniform Building Code requires the establishment of a firm and unyielding base prior to backfilling excavations. A backfill plan will be developed to stabilize the lower section of the excavation due to the presence of saturated soils and ground water at the base of the proposed excavations. A grading plan shall be developed to match the surrounding topography around the Control House, 1999 Pipeline Release area, and cutter stock sump. This will reduce the increase infiltration of rain and reduce surface runoff over existing conditions, the re-establishment of the natural topography and restoration with vegetation shall occur.	Development and implementation of the required backfill and grading plans.	Plan review prior to issuance of grading and demolition permits; field verification of compliance throughout project activities.	Once for plan review; periodic field review during project activities.	SLOPBD, SLOPWD			

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W-1(d) Silt Fencing Reinforcement. Silt fencing placed between the creek and the sheet wall shall be reinforced by installing 2'x5' plywood sheets anchored behind the silt fencing and placed end to end. The extra support that the plywood provides would keep relatively large and heavy chunks of soil from pushing through or over the silt fencing during installation and removal of the sheet wall.	Field verification of compliance with required specifications.	Throughout grading and other site disturbance activities.	Periodically during grading and other site disturbance activities.	SLOPBD			
W-2(a) Environmental Monitor. The applicant shall have an environmental monitor walk the access route once every two hours during field work to inspect the staging area for any spills to unlined areas. Any spills noted will be cleaned immediately, and the cause identified and remedied.	Verification of compliance with required specifications.	Field verification of compliance throughout site disturbance activities.	Monitor to examine access route every two hours. SLOPBD to verify periodically during grading and other site disturbance.	SLOPBD			
W-2(b) Spill Response Equipment. The contractor shall have adequate spill response equipment and qualified personnel onsite to respond to any emergency contamination situation.	Field verification of compliance with required specifications.	Throughout grading and other site disturbance activities.	Periodically during grading and other site disturbance activities.	SLOPBD			

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W-4(a) Backfill Material Covering. Backfill material intended for use, once determined to be acceptable through testing according to Mitigation Measure H-2(a), shall be covered prior to heavy rain events to prevent erosion and potential contamination to this source of backfill.	Field verification of compliance with required specifications.	Throughout grading and other site disturbance activities.	Periodically during grading and other site disturbance activities.	SLOPBD			

2-11-4

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